

EL DORADO CITY COMMISSION MEETING

March 21, 2016

The El Dorado City Commission met in a special session on March 21, 2016 at 6:30 p.m. in the Commission Room with the following present: Mayor Vince Haines, Commissioner Gregg Lewis, Commissioner Nick Badwey, Commissioner Kendra Wilkinson, City Manager Herb Llewellyn, City Attorney Jim Murfin, Human Resources Director Suzie Locke, Assistant City Engineer Scott Rickard and City Clerk Tabitha Sharp. Absent: Commissioner Chase Locke

VISITORS

Curt Zieman	220 E 1 st	El Dorado, KS
Gary Taylor	720 Oak	El Dorado, KS
Greg and Helen Joyce	1005 Rim Rock	El Dorado, KS
Wanda Stewart	1313 Glenview Dr	El Dorado, KS
Elise and Gerald Haines	321 N Gordy	El Dorado, KS
Zac Sundgren	1710 Ryan Ct	El Dorado, KS
Judith Storandt	105 Race	El Dorado, KS
Dan Demo	708 Meadow	El Dorado, KS
Kelsey Sundgren	1375 Country Club Rd	El Dorado, KS
David Stewart	101 S Star	El Dorado, KS
Fred Britain	219 N Taylor	El Dorado, KS
Melody, Adam and Sam Haines	300 N Star	El Dorado, KS
Carolyn Dwire	700 N Washington	El Dorado, KS
Monty Hughey	487 SE Bluestem	El Dorado, KS
Kevin and Kathleen Johnson	482 SE Bluestem Rd	El Dorado, KS
Marla Drinnen		Wichita, KS
Fred Madlener	5101 NE Cole Creek Rd	El Dorado, KS
Lonnie and LaDonna Snook	3998 NE Cole Creek Rd	El Dorado, KS
Julie Clements	Butler County Times Gazette	El Dorado, KS
Jean Plummer	1121 Douglas	El Dorado, KS
Jim Hanni	AAA Kansas	Topeka, KS
Casey Jackson	1930 Belmont	El Dorado, KS
Steve Seymour	810 Waco	El Dorado, KS
Vern Barker	1265 S Topeka	El Dorado, KS
Terry Smith	2860 W 4 th	El Dorado, KS
Linda Jolly	El Dorado Inc.	El Dorado, KS
Brian Gartland	220 E 1 st	El Dorado, KS
Brian Clites	2200 W 6 th	El Dorado, KS
Tracy Clites	2200 W 6 th	El Dorado, KS
James Cook	719 Fredrick Dr	El Dorado, KS
Kevin Wishart	220 E 1 st	El Dorado, KS

CALL TO ORDER

Mayor Vince Haines called the March 21, 2016 meeting to order.

INVOCATION

Pastor Mark Habluetzel, Hope Covenant Church, opened the meeting with prayer.

PLEDGE OF ALLEGIANCE

The City Commission led the Pledge of Allegiance.

PERSONAL APPEARANCE

Jim Hanni, AAA, presented the traffic safety award to the El Dorado Police Department.

Fire Chief Steve Moody presented a department update for the past year. He invited the public and the Commission to a ceremony declaring the new aerial truck in service on April 18th, 2016 prior to the City Commission meeting.

Jean Plummer, El Dorado High School Alumni Association, presented Mayor Vince Haines with the alumnus of the year award.

PUBLIC COMMENT

Mayor Vince Haines opened the floor for Public Comment.

Lonnie Snook, 3998 NE Cole Creek Road, stated that he felt the positioning of the gun range at the lake would be damaging to the water, wildlife and recreational opportunities there. He asked the Commission to consider the appropriateness of the facility because it is within the three mile zoning radius of the city.

Mayor Vince Haines asked if staff could take a look at the issue.

City Manager Herb Llewellyn stated that he just became aware of the issue recently. He stated that staff have begun to discuss the issue and it should have come to us. He stated that the County has not notified us of the request yet.

Commissioner Nick Badwey asked if the city was bound by State Statute in this situation.

City Manager Llewellyn stated that he wanted the Commission to hear the problem and direct staff on how to move forward.

There was agreement amongst the Commission to have staff look into the issue.

Fred Madlener, 5101 NE Cole Creek Rd, stated that he lives near the lake and thought that there should have been more public notice of the hearing. He thanked the Commission for investigating the issue.

Commissioner Gregg Lewis asked if the land was owned by the government.

City Manager Llewellyn stated that it was owned by the Department of Wildlife and Parks. He stated that because the city owns the bowl, we should have been notified of the request to build.

Commissioner Lewis asked Mr. Madlener if he received a letter.

Mr. Madlener stated that he didn't.

Kevin Johnson, 482 Bluestem Road, stated that two years ago Seth Turner, a Park Ranger, presented Mr. Johnson and his wife with a proposal for a firing range. He stated that they had both told the park ranger that they were against the firing range. He stated that he appreciated the help of the Commission as well.

CONSENT AGENDA

Approval of the City Commission minutes from March 7, 2016 and the Special City Commission minutes from March 2, 2016.

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

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 4 - 0.

APPLICATION TO REZONE LOTS 5, 6 AND 7 OF THE LEGION SECOND ADDITION FROM R-1 LOW DENSITY RESIDENTIAL DISTRICT TO C-1 GENERAL BUSINESS DISTRICT. (CASE NO. 16-003-REZ)

Scott Rickard, Assistant City Engineer, stated that the American Legion is requesting a zoning change from R-1 to C-1. He stated that the Planning Commission

decided during their public hearing to divide the proposal into three parts, lots 5, 6 and 7. He stated that lots 5 & 6 were passed 6 – 0 and lot 7 was passed 5 – 1.

Commissioner Kendra Wilkinson asked if this would interfere with the Haverhill Beautification project.

Mr. Rickard stated that if someone purchased that property, they would own it, but the city would have the easement.

Commissioner Wilkinson asked about lot six specifically.

City Manager Herb Llewellyn stated that they have stopped work on that lot while the purchase of the land is being considered. He stated that the potential buyer has been in discussion with staff and they hope to partner on the beautification project.

Mayor Vince Haines asked if the beautification project was primarily in the right of way.

City Manager Llewellyn stated that it was.

Commissioner Gregg Lewis moved to approve Case No. 16-003-REZ requesting a rezoning of lots 5, 6, and 7 of the Legion Second Addition, El Dorado, Kansas, to C-1 General Business District be accepted and that Ordinance No. G-1215 be approved.

Commissioner Nick Badwey seconded the motion.

ROLL CALL VOTE

	Mayor Vince Haines	Yes
Position No. 1	Commissioner Chase Locke	
Position No. 2	Commissioner Gregg Lewis	Yes
Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner Kendra Wilkinson	Yes

**APPLICATION TO REZONE 1237 AND 1239 W CENTRAL AVENUE FROM R-1
LOW DENSITY RESIDENTIAL DISTRICT TO C-1 GENERAL BUSINESS
DISTRICT (CASE NO. 16-002-REZ)**

Assistant City Engineer Scott Rickard stated that the Planning Commission held a public hearing and had a tied vote of 3 – 3 which results in no recommendation to the Commission. He stated that the owner is requesting to rezone the property from R-1 to C-1

general business district. He stated that the request is consistent with the comprehensive plan.

Judith Storandt, 105 Race, stated that she felt that the extension of commercial property further east was premature. She stated that there are plenty of properties available to the business community without changing the zoning of this property.

Ms. Storandt stated that she had spoken to a neighbor who did not receive notice and thus questioned that the proper procedure was followed. She also stated that she had concerns regarding the traffic and accident risk.

Ms. Storandt stated that she and her husband are opposed to changing the zoning of the property to commercial.

Zac Sundgren stated that he was present as a representative of the property owner. He stated that he recommended the change in zoning to the owner.

Commissioner Gregg Lewis asked if the change in zoning would increase the value.

Mr. Sundgren stated that it would be higher, the lot is 20,000 square foot and therefore desirable to commercial interests. He stated that part of the reason they have requested the change is that they have had some interest in the property. He felt that it was large enough for a good commercial use, but small enough to be a reasonable price.

Commissioner Lewis stated that the quality of homes on Race was a lot different than Poplar and he felt that changing the zoning would take away from the homes on Race.

Mr. Sundgren stated that the city would have to approve any site plan proposed.

Mr. Rickard stated that any zoning will require some kind of transitional buffer to separate the different zoning classifications.

Commissioner Kendra Wilkinson confirmed that those two lots basically divide the commercial and residential properties. She asked how long the houses have been vacant.

Mr. Sundgren stated approximately ten years.

Commissioner Wilkinson confirmed that they were not worth anything.

Mr. Sundgren stated that they are in complete disrepair.

Commissioner Wilkinson asked if they could build a home on the property because the lots are small.

Mr. Rickard stated that they would likely have to be combined.

Commissioner Wilkinson asked what the concern of the Planning Commission was.

Mr. Rickard stated that three of them were concerned about the transition from R-1 to C-1 in a primarily residential area.

Mr. Rickard stated that one of the reasons staff are recommending approval is because it falls within the comprehensive plan.

Commissioner Nick Badwey asked what the restrictions on C-1 were.

Mr. Rickard stated that lighting would have to be monitored so that it did not affect the residential properties and the buffer must be placed between the residential and commercial lots. He stated that there would not be able to be odors or loud noises.

Commissioner Wilkinson asked if it would be combined if it was changed to C-1.

Mayor Vince Haines stated that it would just change the zoning, not combine the lots.

Commissioner Lewis asked if the owners on Race could purchase the lots.

Mr. Rickard stated that it was up to the owners.

City Manager Llewellyn stated that a zoning change is fairly unusual without a need. He stated that usually when a request comes up, it is because someone has interest and wants to move forward with it.

Mayor Haines stated that this wouldn't be any different than the Legion property request.

City Manager Llewellyn stated that the only difference is that they have a contract.

Mayor Haines stated that the owner is simply trying to make the property available for its highest and best use. He stated that this isn't much different than the Legion property because they requested a zoning change so that they could sell their land.

City Manager Llewellyn stated that if it doesn't happen today, they will likely hear the request again in the future.

Mayor Haines stated that was likely true. He stated that the difference was that the buyer might be less likely to purchase the property because they will look back and see that the zoning request was denied.

Commissioner Lewis stated that it doesn't make sense the way it is unless you include the donut shop.

City Manager Llewellyn stated that could be the scenario, that they combine those three lots.

Mayor Haines confirmed that the houses could stay in the commercial district because they are grandfathered in.

City Manager Llewellyn stated that it could serve as an attorney or cpa's office.

Mayor Haines confirmed that someone could live there if it is zoned as commercial.

Mr. Rickard stated that it would be a non-conforming use.

Commissioner Wilkinson asked if they were livable houses.

Mr. Rickard stated that he was unsure because they had not been in the homes.

Mr. Rickard stated that to clarify the question on notices, there were 16 letters sent to surrounding properties including the property that Ms. Storandt specified.

City Manager Llewellyn asked if it was sent certified.

Mr. Rickard stated that they did not.

Mayor Haines asked if it was practice to send it certified.

City Manager Llewellyn stated that it is cost prohibitive and oftentimes they do not get picked up because people work during the day and can't get to the post office.

Commissioner Nick Badwey moved to approve Case No. 16-002-REZ requesting a rezoning of 1237 and 1239 W. Central Avenue, El Dorado, Kansas, to C-1 General Business District be accepted and that Ordinance No. G-1216 be approved.

There was no second.

Commissioner Gregg Lewis moved to decline the request to rezone the property.

Commissioner Badwey asked if they could send it back to the Planning Commission.

City Manager Llewellyn stated that they could make that motion, but they needed to address the motion on the floor first.

Mayor Haines seconded the motion.

Mayor Haines asked if there needed to be a roll call vote.

City Clerk Tabitha Sharp stated that they did not need a roll call vote if they did not pass the motion with an Ordinance.

City Manager Llewellyn stated that they need three votes to pass whatever motion went through.

Motion failed 2 – 2. (Commissioner Badwey and Mayor Haines voted against)

Commissioner Nick Badwey moved to send Case No. 16-002-REZ back to the Planning Commission because the City Commission would like all nine members present to consider the question.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 3 – 1 (Commissioner Gregg Lewis voted no).

Commissioner Lewis suggested that Ms. Storandt bring her neighbors to the meeting.

CONFAB INC., APPLICATION FOR PROPERTY TAX EXEMPTION

Linda Jolly, El Dorado Inc. Director, stated that they have received a request from CONFAB Inc., at lot 1 block 1 R.J. Metcalf 2nd Addition and lot 4 block 3 of the Carly Taylor Addition of El Dorado, commonly known as 630 N Metcalf Rd. She stated that they will be acquiring the property for the purpose of a manufacturing facility.

Ms. Jolly stated that the applicant has followed the City's uniform policy and procedures for the adoption of a property tax abatement.

Ms. Jolly stated that the Commission received copies of the cost benefit analysis in their packets. She stated that the request was for a ten year 100% abatement, although two other options were provided to the Commission. In all cases, the cost benefit ratio was positive. She stated that means for every dollar invested by the City, the rate of return is higher than that investment.

Ms. Jolly stated that the applicant is in compliance with Article 11 Section 13 of K.S.A. 79-251 and amendments thereto. She stated that because the property is being used for manufacturing purposes, it falls under that statute.

Ms. Jolly stated that this is an existing business in El Dorado and this property will be used to expand their operations. They intend to create 15 jobs over the next 10 years. She stated that the work will be similar to what they have done in the past.

Ms. Jolly stated that payment in lieu of tax has not yet been discussed, but the Commission can discuss it if they wish.

Ms. Jolly stated that the business is in compliance with all city stipulations.

Mayor Vince Haines asked Ms. Jolly to explain the payment in lieu of the tax agreement.

Ms. Jolly stated that the criteria provides the city with the ability to ask the company to pay a payment in lieu of possible new infrastructure costs for something like a school district tax. She stated that it is an opportunity that the city can address.

City Manager Llewellyn asked Ms. Jolly if she had ever seen that.

Ms. Jolly stated that she has not seen it in the City in her 12 years, but she has seen it on a County abatement.

Commissioner Gregg Lewis asked if it was a five or ten year agreement.

Ms. Jolly stated that the statute allows for anything up to 100% up to ten years.

Mayor Haines confirmed the request was for 100% for 10 years.

Ms. Jolly stated that the original request is for ten years, they provided other options though.

Mayor Haines confirmed that the cost benefit ratio for 10 years at 100% was 1.8 to 1.

Ms. Jolly stated that he was correct. She stated that a third party does the cost benefit analysis and they take into consideration capital expenditures, construction activities, visitors to the community and job creation. She stated that this was based on historic data, so should be very accurate.

City Manager Llewellyn stated that anyone receiving an abatement is audited annually in order to comply with State Statute. He stated that this building is one example of a company that didn't comply with the agreement and was revoked. That provided CONFAB with the opportunity to purchase the building.

Mayor Vince Haines opened the public hearing.

There were no comments.

Mayor Haines closed the public hearing.

Mayor Haines stated that this is a great program for a local company that has been part of our community for so many years.

Commissioner Gregg Lewis moved that Ordinance No. S-1348, an ordinance exempting certain real property from ad valorem taxation for the purpose of economic development for a period of 10 years, not to exceed \$800,000, be approved.

Commissioner Kendra Wilkinson seconded the motion.

ROLL CALL VOTE

Position No. 2	Commissioner Gregg Lewis	Yes
Position No. 3	Commissioner Nick Badwey	Abstained
Position No. 4	Commissioner Kendra Wilkinson	Yes
	Mayor Vince Haines	Yes
Position No. 1	Commissioner Chase Locke	Absent

DAYS INN IRB

Linda Jolly, El Dorado Inc. Director, stated that the Days Inn project was approved last year, the facility is open and has 42 very nice rooms. She stated that the owners have done a great job of meeting the needs of visitors to our community.

Kim Bell, Gilmore and Bell, stated that this is the final action on the Days Inn project which authorizes the city to enter into the final documents for financing of the project. She stated that this includes the bond agreement between the City, the company and Community National Bank. She stated that the lease agreement will be signed equal to the terms of the bond.

Ms. Bell stated that the City acts as a conduit issuer with no obligation to make payments on those bonds. She stated that it does not count against the debt limit and does not affect bond rating.

Ms. Bell stated that the property will go off the tax rolls January 1, 2017. She stated that it is a ten year bond agreement.

Mayor Haines confirmed that this is the last step, the previous Commission began this process in 2015. He confirmed that it is on the tax rolls now.

Ms. Bell she stated that often companies wait until the property is complete to go off the tax rolls so that it is at its full value.

Mayor Haines confirmed that the Industrial Revenue Bonds benefit is the ten year exemption.

Ms. Bell stated that the only avenue for a hotel is through industrial revenue bonds. She stated that the other advantage is that they have received a sales tax exemption on their constructions costs by going through industrial revenue bonds.

Commissioner Kendra Wilkinson moved that Ordinance No. G-1214 be approved, an ordinance authorizing the City of El Dorado, Kansas to issue its taxable industrial revenue bonds, Series A, 2016 and Series B, 2016 (Days Inn Hotel and Suites) for the purpose of the acquisition, construction and equipping a hotel facility; and authorizing certain other documents and actions in connection therewith.

Commissioner Nick Badwey seconded the motion.

ROLL CALL VOTE

Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner Kendra Wilkinson	Yes
	Mayor Vince Haines	Yes
Position No. 1	Commissioner Chase Locke	Absent
Position No. 2	Commissioner Gregg Lewis	Yes

ENGINE #8

Fire Chief Steve Moody stated that staff would like to deed Engine #8 to the Community College because their truck is no longer in service. He stated that the value for selling it out right is minimal, so it is their recommendation that it be given to the college.

Mayor Vince Haines asked if they were ready to receive it.

Chief Moody stated that they were.

City Manager Herb Llewellyn stated that he has discussed it with the President and she stated that it has been discussed and they are ready to receive the truck. He stated that the benefit is that the truck is next door and so if it is needed, we can access it.

Chief Moody stated that a good example of that is that Public Works has several old fire trucks that have been called into use over the last week.

Commissioner Gregg Lewis moved to donate Engine #8 to the Butler Community College Fire Science Program.

Commissioner Nick Badwey seconded the motion.

Motion carried 4 – 0.

CEMETERY RATES

Kevin Wishart, Parks and Recreation Director, stated that he is present to propose an increase in cemetery rates in El Dorado. He stated that staff surveyed other similar cemeteries and provided that information.

Commissioner Wilkinson stated that she noticed that some cities consider a resident and non-resident rate.

Mr. Wishart stated that staff have discussed this and believe that someone who has not owned property in El Dorado in several years would be considered a non-resident.

Commissioner Nick Badwey moved to approve the proposed cemetery rate increase for the City of El Dorado, Kansas.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 4 – 0.

NEW BUSINESS

Commissioner Nick Badwey congratulated the Mayor on his award.

Mayor Vince Haines stated that he was at the golf course the other day and the new greens are coming along well. He stated that he hoped that the course has enough labor to complete the project.

City Manager Herb Llewellyn stated that while one department may not have a lot of employees, there are other departments that are able to assist. He stated that he envisioned that others would help with the project.

Mayor Haines stated that this is a very public project and we need to make sure that we commit the proper resources.

City Manager Llewellyn stated that it is important to understand that when we do work internally that if there are emergency situations, those must be addressed before we can continue work on a project like the greens.

Mayor Haines stated that it is impressive and he is looking forward to it turning gravel.

City Manager Llewellyn stated that he thought the gravel had been hauled in and that they might be ready for sand.

Mayor Haines stated that they are ready for sand in some areas, but had to wait on gravel to make sure they don't damage the greens with heavy trucks.

CITY MANAGER'S REPORT

Jennifer Cook, Marketing stated that we have received the petition for Oak Street and Mr. Rickard has more information on its status.

Scott Rickard, Assistant City Engineer, stated that staff have received a protest petition for the Oak Street project. He stated that the petition requires that 51% of the square footage area owners and the residing owners in order to be successful.

Mr. Rickard stated that 59% of the square footage portion was against the project, only 48% of the residing owners were against it. Therefore the petition statutorily failed because it did not meet the requirements.

Commissioner Nick Badwey stated that Mr. Rickard stated that the Commission initiated it, he asked for clarification because he thought a resident carried the petition.

Mr. Rickard stated that after discussion with bond counsel, they determined it best to use this method in order to allow the people the opportunity to petition out as well as hold a public hearing.

City Manager Llewellyn stated that if the Commission would have acted on the petition, they could have moved forward with the project without a public hearing or protest because it was a valid petition. He stated that because the petition was so close, this gave the public an extra step.

Commissioner Badwey confirmed that there would be no protest period if the Commission hadn't done it.

Mr. Rickard stated that he was correct. He also stated that there were four owners that signed the original petition for the project and then signed the protest petition.

Mayor Haines confirmed that the project would proceed as is with the current protest petition.

City Manager Llewellyn stated that it would take action from Commission to stop the project now.

Mayor Haines confirmed that this is just a report, they don't actually have to make a decision now.

City Manager Llewellyn stated that we will begin the process now and talk about going out for bids.

Mayor Haines confirmed that everything would have to be approved.

Mr. Rickard stated that staff have been given approval to spend the money.

City Manager Llewellyn stated that it would still come back before the Commission before we begin. He confirmed that the soonest we could begin work would be the end of the summer.

Mr. Rickard stated that he was correct.

City Manager Llewellyn stated that his father was selected to go on the honor flight to Washington D.C. He stated that he is a WWII veteran. He stated that he will be going with him in May and will be out of the office for a few days.

ADJOURNMENT

Commissioner Nick Badwey moved to adjourn the meeting at 8:21 p.m.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 4 – 0.

City Clerk Tabitha D. Sharp

Mayor Vince Haines