

EL DORADO CITY COMMISSION – REGULAR MEETING AGENDA
CITY HALL – 220 E. FIRST AVENUE
September 5, 2017 – 6:30 PM

- 1. Call to Order**
- 2. Roll Call**
- 3. Invocation – Majors Eric and Patricia Johnson, Salvation Army**
- 4. Pledge of Allegiance**

Proclamations and Recognition

- 5. None**

Personal Appearances. Personal appearances are opportunities for organizations or citizens to make special presentations before the City Commission. Such appearances are scheduled in advance of the meeting by calling City Clerk Tabitha Sharp at (316) 321-9100 by 5:00 pm the Tuesday preceding the meeting. Presentations are limited to five minutes. Any presentation is for information purposes only; no action will be taken.

- 6. None**

- 7. Public Comments.** Persons who wish to address the City Commission regarding items not on the agenda and that are under the jurisdiction of the City Commission may do so when called upon the Mayor. Comments on personnel matters and matters pending in court are not permitted. Speakers are limited to three minutes. Any presentation is for information purposes only; no action will be taken.

Consent Agenda (*Consent agenda items will be acted on by one motion unless a majority of the City Commission votes to remove an item for discussion and separate action.*)

- 8. Meeting Minutes: August 21, 2017 City Commission Minutes.**

Old Business

- 9. None**

New Business

- 10. Extension of the City Limits**
- 11. Paving Marmaton Road**
- 12. Extension of Sanitary Sewer to the new Grandview Elementary**
- 13. 2017 MIH Grant Application**
- 14. Vacation of Alley in Riverside Addition**

Reports

- 15. City Commission and Advisory Board Updates**
- 16. City Manager**

Executive Session

- 17. Attorney Client Privilege**
 - a. Commissioner _____ moved to recess into executive session pursuant to the attorney client privilege exception under K.S.A. 75-4319b)(2), to discuss

pending legal matters and to reconvene the regularly scheduled meeting at ____ p.m. in the City Commission Room.

- b. Commissioner _____ seconded the motion.

Adjournment

18. Consideration of a motion to adjourn the September 5, 2017 regular meeting

PUBLIC COMMENT POLICY:

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

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

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

The Mayor opened the floor for Public Comments.

EL DORADO CITY COMMISSION MEETING

August 21, 2017

The El Dorado City Commission met in a regular session on August 21, 2017 at 6:30 p.m. in the Commission Room with the following present: Mayor Vince Haines, Commissioner Chase Locke, Commissioner Gregg Lewis, Commissioner Nick Badwey, Commissioner Kendra Wilkinson, City Attorney Ashlyn Lindskog, City Manager David Dillner, City Engineer Scott Rickard and City Clerk Tabitha Sharp.

VISITORS

Linda Jolly	El Dorado Inc.	El Dorado, KS
Rodney and Tammy Schaffer	430 Meadowlark Dr	El Dorado, KS
James Cook	719 Fredrick Dr	El Dorado, KS
Curt Zieman	128 N Vine	El Dorado, KS
Kevin Wishart	220 E 1 st	El Dorado, KS
Haley Remsberg	220 E 1 st	El Dorado, KS
Jacque Roberts	349 Marmaton Rd	El Dorado, KS
Heather Ward	2608 W 3 rd	El Dorado, KS
Scott and Carol Haigler	400 Meadowlark Dr	El Dorado, KS
Melody Curnutt	410 Meadowlark Dr	El Dorado, KS
Dominique Funk	415 Sunflower Dr	El Dorado, KS
Teri Bowlin	647 Norris	El Dorado, KS
Travis and Carissa Pierce	405 Sunflower Dr	El Dorado, KS
Jeremy Costello	Butler County Times Gazette	El Dorado, KS
Joe & Kristi Haag and Sons	1001 S Emporia	El Dorado, KS
Anthony, Baldwin and Sharon Haag		Augusta, KS
Matt Vogelman	410 N Sunflower	El Dorado, KS
James and Christina Richard	440 N Meadowlark Dr	El Dorado, KS
Travis Unruh	425 N Sunflower	El Dorado, KS
David Casper and Hannah Booth	415 Norris	El Dorado, KS
Jeff Pritchard	205 Fiddler's Creek	Valley Center, KS
Susie Carson	El Dorado Chamber	El Dorado, KS
Emily Connell	El Dorado Main Street	El Dorado, KS
El Dorado Fire Department		El Dorado, KS

CALL TO ORDER

Mayor Vince Haines called the August 21, 2017 meeting to order.

INVOCATION

Reverend Corey Landreth, Real Life Church, opened the meeting with prayer.

PLEDGE OF ALLEGIANCE

The City Commission led the Pledge of Allegiance.

PERSONAL APPEARANCE

City Clerk Tabitha Sharp swore in new Fire Chief Joe Haag.

Captain Tony Yaghjian lead the badge pinning ceremony.

PUBLIC COMMENT

Mayor Vince Haines opened the floor for public comment.

James Richard, 440 N Meadowlark, stated that he feared that housing of this sort will decrease the home values.

Melody Curnutt, 410 Meadowlark Dr, stated that she hoped they would take into consideration the valuations of nearby homes before passing this.

Teri Bowlin, 647 Norris, stated that she hoped that they would not pass this because it will cause a lot more traffic and noise.

Travis Pierce, 405 Sunflower, stated that he agreed with the opinions of others and hoped that it would not be low income housing.

Scott Haigler, 400 Meadowlark Dr, stated that he attended the Planning Commission meeting and they had already made up their mind. He stated that he hoped they could table this until it could be more widely published.

Hannah Booth, 415 Norris, stated that she agreed with the others.

Dominique Funk, 415 Sunflower Dr, stated that he hoped they would keep in mind the feel of the area.

Travis Unruh, 405 Sunflower Dr, stated that it is quiet and peaceful, he didn't think that the rezoning would be a good addition to the area.

Rodney and Tammy Schaffer, 430 Meadowlark Dr, stated that they understood the benefit for the city to build on the empty lots. She stated that they didn't feel that the citizens had the information needed to go to the Planning Commission. She stated that the fear is that there would be low income rentals.

Carol Haigler, 400 Meadowlark Dr, stated that it was a very short meeting at the Planning Commission, she stated that the multi-family homes were not the problem, they fear the decrease in property values if the housing is income based.

EL DORADO CITY COMMISSION MEETING

August 21, 2017

Christina Richard, 440 Meadowlark, stated that she felt that it would be a strain on the resources in the area. She also stated that she would like to see a park in the area because there are no parks west of Haverhill.

Heather Ward, 2608 W 3rd, stated that she echoed what the others were saying.

David Casper, 415 Norris St, stated that he was concerned about crime rates going up.

CONSENT AGENDA

Approval of the City Commission minutes from August 7, 2017 and the July 12, 2017 and August 16, 2017 Special City Commission Minutes.

Approval of Resolution No. 2848, a Resolution allowing the temporary sale of alcoholic liquor for Oktoberfest.

Appointment of Kelly Tetrick to the Planning Commission for a term to expire May 1, 2019.

Commissioner Gregg Lewis moved to approve the consent agenda as presented.

Commissioner Nick Badwey seconded the motion.

Motion carried 5 – 0.

OLD BUSINESS

There was no old business.

NEW BUSINESS

APPLICATION TO REZONE 13 LOTS IN THE GRILER ADDITION

Scott Rickard, City Engineer, stated that the Planning Commission met on July 27th to review an application to rezone 13 lots in the Griler Addition from R-1 Low Density to R-2 and R-2, Multi Family. He stated that the lots will be either duplexes or tri-plex. He stated that these lots would not be adequate for a higher density apartment complex. He stated that the Griler Addition is surrounded by many uses, so the mixed use fits this as a transitional area.

Mr. Rickard stated that there are constraints on development in this subdivision. The area is surrounded by active oil pipelines, the area to the northwest will have to be replatted because of this.

Commissioner Kendra Wilkinson asked how many lots are available.

EL DORADO CITY COMMISSION MEETING

August 21, 2017

Mr. Rickard said that there are 13 undeveloped, buildable lots. He stated that there are 12 developed.

Commissioner Wilkinson stated that they can't develop anymore after that.

Mr. Rickard said that without development such as utility extension they cannot develop any further.

Commissioner Nick Badwey asked how notifications are done.

Mr. Rickard said that 400 feet in any direction from the development.

Commissioner Chase Locke asked if the opportunity to speak is clear in the letter or if the Planning Commission could do better during their public hearing. He stated that he would like to see the issue returned to the Planning Commission so that they can have a lengthier conversation.

Commissioner Gregg Lewis asked if the developer was here and would be willing to speak.

Jeff Pritchard, 205 Fiddler's Creek, Valley Center, stated that he is the owner operator of the units. He stated that they are going to be three bedroom two bath duplexes, two car garage, 900 per month, and they take care of the yards.

Commissioner Lewis asked if they plan to landscape from Third Avenue.

Mr. Pritchard stated that he has permission to put up cedar screening.

Commissioner Lewis asked what he had in mind for the R3.

Mr. Pritchard stated those would be two bedroom two bath and rent for \$725 per month. He stated that they background check everyone and do not rent to felons, child predators or others like that.

Commissioner Wilkinson stated that these fit the housing needs.

Mr. Rickard stated that is exactly what they are after, to fit the housing needs and encourage development. He stated that these are what our community needs right now. Nick asked if he had a website.

Mr. Pritchard stated that he did.

Mr. Rickard reiterated that the Commission is looking at land use tonight only, but staff have toured the property and it is well kept and good construction.

Commissioner Locke stated that there was a disconnect in the public hearing.

Commissioner Badwey asked if the Commission sent it back to the Planning Commission, how far back would it set the project.

Mr. Rickard stated that they would have to give a specific reason.

Mr. Pritchard stated that if the project is put off any longer, he will have to find another area because of his funding.

Commissioner Wilkinson stated that Mr. Pritchard has addressed the questions.

Commissioner Badwey stated that the two main concerns he heard were that it would be apartment housing and low income and it is apparent that neither of those is the case.

Commissioner Lewis asked if there would be a park later on.

Mr. Rickard stated that there was a park scheduled in this area in the CIP.

Matt Vogelmann, 410 Sunflower, asked what would be done with Norris because it was gravel.

Mr. Rickard stated that it is in the CIP to be improved.

Commissioner Nick Badwey moved to approve Case No. 17-008-REZ, requesting a rezoning of certain lots in Griler Addition to R-3 Medium Density Residential District and that Ordinance No. G-1261 be approved.

Commissioner Kendra Wilkinson seconded the motion.

Roll Call Vote

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

Commissioner Nick Badwey moved to approve Case No. 17-009-REZ, requesting a rezoning of certain lots in Griler Addition to R-2 Multiple Family Dwelling District and that Ordinance No. G-1262 be approved.

EL DORADO CITY COMMISSION MEETING

August 21, 2017

Commissioner Kendra Wilkinson 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	No
Position No. 2	Commissioner Gregg Lewis	Yes

2018 BUDGET PUBLIC HEARING

City Manager David Dillner reviewed the 2018 Proposed Budget. He provided the City Commission with a look at a 3, 4 and 5 mill levy increase.

Public Hearing

Mayor Vince Haines opened the public hearing for comments.

There were no comments.

Commissioner Gregg Lewis moved to approve the 2018 Budget as published.

Commissioner Nick Badwey seconded the motion.

Motion carried 4 – 1 (Commissioner Kendra Wilkinson voted against).

FINANCIAL POLICY ADOPTION

City Manager David Dillner stated that staff have proposed changes to the financial policies to not only ensure that we are compliant with auditing standards, but to also establish updated guidelines for financial management.

Commissioner Chase Locke moved to approve Resolution No. 2849, a Resolution providing financial policies for the City of El Dorado, Kansas.

Commissioner Gregg Lewis seconded the motion.

Motion carried 5 – 0.

APPROVAL OF MIH PARAMETERS

Linda Jolly, El Dorado Inc., stated that a request for proposals from interested developers were due at noon on the 15th. She stated that the pre-applications have been placed in a rubric for the Commission's review.

Ms. Jolly reviewed the applications received. She stated that the housing committee is requesting \$190,000 for one application. She stated that the funds would be allocated first to units to be sold and then to rental homes. She stated that with approval provided by the City Commission, the application will be ready for the next meeting. She stated that the award will not be given until December.

There was agreement amongst the Commission to support the application on the basis that they concentrate on single family housing and infill.

CONFLICT OF INTEREST POLICY FOR THE EMERGENCY SHELTER GRANT

Tammy Schaffer, Finance Director, stated that we need a generic Conflict of Interest Statement for use in the Emergency Shelter Grant. The City serves as a pass through agency for the Safe House and the Homeless Initiative.

City Clerk Tabitha Sharp stated that the City has had this policy already, but it was specific to the Community Development Block Grant. She stated that staff just removed that specific language and now the policy is more general.

Commissioner Gregg Lewis moved to approve the policy regarding Conflict of Interest and Sanctions.

Commissioner Nick Badwey seconded the motion.

Motion carried 5 – 0.

REPORTS

CITY COMMISSION

Commissioner Kendra Wilkinson stated that the fly-in at the airport was successful. She stated that the Disc Golf Course grand opening was the same date. The CVB is working on the Oktoberfest event.

Commissioner Nick Badwey reminded citizens that school is back in session and asked them to please keep an eye out for kids walking to school.

EXECUTIVE SESSION

Commissioner Nick Badwey moved to recess into executive session pursuant to the attorney client privilege exception under K.S.A. 75-4319b)(2), to discuss pending legal matters and to reconvene the regularly scheduled meeting at 8:30 p.m. in the City Commission Room.

Commissioner Kendra Wilkinson seconded the motion.

EL DORADO CITY COMMISSION MEETING

August 21, 2017

Motion carried 5 – 0.

Mayor Vince Haines joined the Executive Session at 8:15 p.m. after discussion regarding an issue with which he had a conflict of interest was complete.

Mayor Vince Haines called the meeting back to order at 8:32 p.m.

Vice Mayor Chase Locke stated that after discussion in Executive Session, the Commission is ready to take action on an issue. He stated that he would entertain the motion because it was a conflict of interest for the Mayor.

Commissioner Nick Badwey moved to authorize the City Manager to sign a contract with BG Products.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 4 – 0 (Mayor Haines abstained because of a conflict of interest).

ADJOURNMENT

Commissioner Nick Badwey moved to adjourn the meeting at 8:33 p.m.

Commissioner Chase Locke seconded the motion.

Motion carried 5 – 0.

City Clerk Tabitha D. Sharp

Mayor Vince Haines

TO: City Commission
FROM: Engineering Department
SUBJ: Extend City Limits
DATE: August 28, 2017

Background:

When the City of El Dorado pursued the paving of Towanda Ave. from Haverhill Rd. to Edgemoor St. we agreed to annex the entire road right of way at the completion of the project. Butler County has completed their research and has determined the width of the South Right of Way for Towanda Ave. So at this time we are prepared to annex the Right of Way.

Policy Issue:

The City Commission shall consider the Ordinance for extending the City Limits

Alternatives:

Not applicable.

Fiscal Impact:

Not applicable

Staff Recommendation:

Proceed with the Annexation

Commission Actions:

Commissioner _____ moved that Ordinance No. _____ adding to and extending the city limits of the City of El Dorado, Kansas, by adding to and enlarging and extending the city limits to include certain territory herein described.

Commissioner _____ seconded the motion.

Roll Call Vote

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

El Dorado Township
Section 10-T26S-R5E



The North 30 feet of the Northwest Quarter of Section 10, Township 26 South, Range 5 East of the 6th P.M., Butler County, Kansas. Exclusive of existing right-of-way.

ORDINANCE NO. _____

AN ORDINANCE ADDING TO AND EXTENDING THE CITY LIMITS OF THE CITY OF EL DORADO, KANSAS, BY ADDING TO AND ENLARGING AND EXTENDING THE CITY LIMITS TO INCLUDE CERTAIN TERRITORY HEREIN DESCRIBED.

WHEREAS, the right of way hereinafter described is located within Butler County, Kansas and qualifies for annexation by the City of El Dorado, Kansas, under the terms and provisions of K.S.A. 12-520 et. seq.: and

WHEREAS, since the annexation is right of way there is no need to hold a public hearing; and

WHEREAS, the Governing Body hereby deems it advisable to annex the right of way and extend the city limits.

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

Section 1: That the City limits of the City of El Dorado, Kansas, be enlarged by adding to, taking into, and incorporating therein certain right of way in Butler County, Kansas, described as follows:

See ATTACHMENT A

is incorporated within the limits of said City and its ordinance be, and the same are hereby, extended over all of said described territory and it is directed that the City Boundary Map be amended accordingly.

Section 2: That this Ordinance shall take effect and be in full force from and after its passage and publication once in the official city newspaper.

PASSED by the Governing Body this 5th day of September 2017 and

APPROVED by its Mayor.

Vince Haines, Mayor

ATTEST:

Tabitha Sharp, City Clerk

Ashlyn B. Lindskog, City Attorney

FROM: Engineering Department
SUBJ: Paving Marmaton Road
DATE: August 28, 2017

Background:

At the June 28th work session, Commission stated that they would be willing to initiate the street improvements in Township Village. This process allows for the streets to be brought to City standards and to continue with the annexation plan. Staff is requesting to begin with Marmaton Road from 2nd Avenue to 6th Avenue. If the Commission wishes to proceed, a public hearing will be set for October 2, 2017, at which time you may hear from owners within the Improvement District. If after the Public Hearing the Commission initiates the project, owners will have 20 days to file a protest petition after publication of the resolution. For the protest to be valid both 51% or more of the resident owners and owners of more than half of the property within the Improvement District must sign the petition.

Policy Issue:

The City Commission must hold a public hearing to allow citizens to express concerns regarding the project.

Fiscal Impact:

The total estimated cost of the project is \$1,041,542.40. The costs assessed to the improvement district will be \$784,760.77 and city-at-large costs will be \$256,781.63. The total cost of the project will be bonded, therefore allowing the improvement district to pay off the debt over a twenty year period. The city-at-large portion of the bond will be paid off through the bond and interest fund.

Trade-offs:

The decision of a governing body to provide public improvements often requires nearby property owners to equally be assessed a portion of the improvements. In such instances, this requires balancing community benefits with potentially negative impacts on the assessed property owners.

Staff Recommendation:

Set the public hearing for October 2, 2017

Commission Actions:

Commissioner _____ moved that Resolution No. _____ a resolution calling and providing for the giving of notice of a public hearing on the advisability of the making of a certain internal improvement in the City of El Dorado, Kansas, under the provisions of K.S.A. 12-6a01 *et seq.*, as amended and supplemented; and providing for the giving of notice of said hearing (paving improvements/Marmaton - project 520).

Commissioner _____ seconded the motion.

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF EL DORADO, KANSAS
HELD ON SEPTEMBER 5, 2017**

The governing body met in regular session at the usual meeting place in the City, at 6:30 P.M., the following members being present and participating, to-wit:

Absent:

The Mayor declared that a quorum was present and called the meeting to order.

* * * * *

(Other Proceedings)

Thereupon, there was presented a Resolution entitled:

**A RESOLUTION CALLING AND PROVIDING FOR THE GIVING OF NOTICE
OF A PUBLIC HEARING ON THE ADVISABILITY OF THE MAKING OF A
CERTAIN INTERNAL IMPROVEMENT IN THE CITY OF EL DORADO,
KANSAS, UNDER THE PROVISIONS OF K.S.A. 12-6a01 *ET SEQ.*, AS AMENDED
AND SUPPLEMENTED; AND PROVIDING FOR THE GIVING OF NOTICE OF
SAID HEARING (PAVING IMPROVEMENTS/MARMATON - PROJECT 520).**

Thereupon, Commissioner _____ moved that said Resolution be adopted. The motion was seconded by Commissioner _____. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the governing body, the vote being as follows:

Yea: _____.

Nay: _____.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. _____ and was signed by the Mayor and attested by the Clerk.

* * * * *

(Other Proceedings)

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On motion duly made, seconded and carried, the meeting thereupon adjourned.

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the City of El Dorado, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

Clerk

RESOLUTION NO. _____

A RESOLUTION CALLING AND PROVIDING FOR THE GIVING OF NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF THE MAKING OF A CERTAIN INTERNAL IMPROVEMENT IN THE CITY OF EL DORADO, KANSAS, UNDER THE PROVISIONS OF K.S.A. 12-6a01 ET SEQ., AS AMENDED AND SUPPLEMENTED; AND PROVIDING FOR THE GIVING OF NOTICE OF SAID HEARING (PAVING IMPROVEMENTS/MARMATON - PROJECT 520).

WHEREAS, K.S.A. 12-6a01 *et seq.* (the “Act”) authorizes the governing body of any city to make or cause to be made municipal works or improvements which confer a special benefit upon property within a definable area of the city and the levying and collecting of special assessments upon property in the area deemed by the said governing body to be benefited by such improvements for special benefits conferred upon such property by any such improvements and to provide for the payment of all or any part of the costs of the improvements out of the proceeds of such special assessments; and

WHEREAS, the Act provides that before any contract is let or any work is ordered or authorized for an improvement, the governing body shall by resolution direct and order a public hearing on the advisability of the improvement, and to give notice of the hearing by not less than two (2) publications in a newspaper, such publications to be a week apart and at least three (3) days shall elapse between the last publication and the hearing; and such notice shall be given as to (a) the time and place of the hearing; (b) the general nature of the proposed improvements; (c) the estimated or probable cost of the proposed improvements; (d) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (e) the proposed method of assessment; and (f) the proposed apportionment of the cost between the improvement district and the city at large; and

WHEREAS, the governing body of the City of El Dorado, Kansas (the “City”), hereby finds and determines it to be necessary to direct and order a public hearing on the advisability of a certain improvement in the City pursuant to the authority of the Act; and further to provide for the giving of notice of said hearing in the manner required by the Act.

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

Section 1. Public Hearing. It is hereby authorized, ordered and directed that the governing body of the City, shall hold a public hearing on the advisability of the following described improvements (the “Improvements”):

Paving Marmaton Road from 2nd Avenue to 6th Avenue, to serve the area described as the Improvement District, all in accordance with City standards and plans and specifications prepared or approved by the City Engineer.

Such public hearing will be held on October 2, 2017, at 6:30 P.M., at 220 E. 1st Avenue, under the authority of the Act.

Section 2. Notice of Hearing. The City Clerk is hereby authorized, ordered and directed to give notice of said public hearing by publication of a Notice of Public Hearing substantially in the form

attached hereto as ***Exhibit A*** two (2) times in the official City newspaper, such publications to be one (1) week apart, and the last publication to be at least three (3) days prior to the date of the hearing.

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ADOPTED by the governing body of the City on September 5, 2017.

(SEAL)

Mayor

ATTEST:

Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution of the City adopted by the governing body on September 5, 2017, as the same appears of record in my office.

DATED: September 5, 2017.

Clerk

EXHIBIT A

(Published in the **Butler County Times-Gazette** on September 12, 2017 and September 19, 2017)

NOTICE OF PUBLIC HEARING

TO: RESIDENTS OF THE CITY OF EL DORADO, KANSAS:

You and each of you are hereby notified that the governing body of the City of El Dorado, Kansas (the "City"), will meet for the purpose of holding a public hearing, as provided by K.S.A. 12-6a01 *et seq.*, at 220 E. 1st Avenue on October 2, 2017, at 6:30 P.M.. Said public hearing is for the purpose of considering the advisability of making certain hereinafter described improvements.

(a) The general nature of the proposed Improvements (the "Improvements") are:

Paving Marmaton Road from 2nd Avenue to 6th Avenue, to serve the area described as the Improvement District, all in accordance with City standards and plans and specifications prepared or approved by the City Engineer.

(b) The estimated or probable cost of the proposed Improvements is: \$1,041,542.40 said estimated cost to be increased at the pro rata rate of 1 percent per month from and after the date of adoption of a resolution authorizing the Improvements.

(c) The extent of the proposed improvement district (the "Improvement District") to be assessed for the cost of the Improvements is:

See **Exhibit A** attached hereto; to the City of El Dorado, Butler County, Kansas.

(d) The method of assessment is: equally per square foot, plus the cost of driveway approaches for each individual lot.

(e) The apportionment of the cost of the Improvements between the Improvement District and the City-at-large is as follows:

The Improvement District shall pay the costs of the Improvements, exclusive of the cost of the squares or areas formed by standard intersections of streets and alleys and the costs of storm drainage, plus the costs of driveway approaches, estimated at \$784,760.77 or 75% more or less, of the total cost.

The City-at-Large shall pay that portion of the costs of the Improvements represented by the cost of the squares or areas formed by standard intersections of streets and alleys and the cost of storm drainage, estimated at \$256,781.63 or 25%, more or less, of the total cost.

The public hearing may be adjourned from time to time and until the governing body shall have made findings by resolution as to the advisability of the Improvements, the general nature of the Improvements, the estimated cost of the Improvements, the boundaries of the Improvement District, the method of assessment, and the apportionment of the costs between the Improvement District and the City-at-large, all to be as finally determined by the governing body; **provided**, however, that the area of the Improvement District to be assessed for the costs of the Improvements as finally determined may be less than, but shall not exceed, the area proposed to be assessed as described above without giving notice of and holding a new hearing on the advisability of the proposed Improvements.

ALL PERSONS DESIRING TO BE HEARD WITH REFERENCE TO THE PROPOSED IMPROVEMENTS SHALL BE HEARD AT THE PUBLIC HEARING.

DATED: September 5, 2017.

/s/ Tabitha Sharp, City Clerk

EXHIBIT A

PROPERTY DESCRIPTION
PAVING MARMATON ROAD (2ND AVENUE TO 6TH AVENUE)

Lot 34 & N/2 Lot 33 Blk 1
Township Village
668 Marmaton

Lot 24 Block 1
Township Village
522 Marmaton

Lot 32 & S/2 Lot 33 Blk 1
Township Village
000 Marmaton

Lots 22 & 23 Block 1
Township Village
502 Marmaton

Lot 31 Block 1
Township Village
642 Marmaton

Lot 21 Block 1
Township Village
426 Marmaton

Lot 30 Block 1
Township Village
634 Marmaton

Lot 20 Block 1
Township Village
420 Marmaton

Lot 29 Block 1
Township Village
628 Marmaton

Lot 19 Block 1
Township Village
410 Marmaton

Lot 28 Block 1
Township Village
620 Marmaton

Lot 18 Block 1
Township Village
2620 W 3rd

Lot 27 Block 1
Township Village
612 Marmaton

Lot 16 Block 13
Township Village
2619 W 3rd

Lot 26 Block 1
Township Village
602 Marmaton

Lot 14 exc S155 & Lot 15 Blk
13
Township Village
348 Marmaton

Lot 25 Block 1
Township Village
528 Marmaton

S155 Lot 14 Block 13
Township Village
340 Marmaton

Pt Lt 13 Block 13
Township Village
340 Diagonal

Lot 1 Block 12
Township Village
340 Northern

Lot 12 & Pt Lot 13 Block 13
Township Village
328 Diagonal

Lot 17 Block 2
Township Village
401 Marmaton

Lots 10 & 11 Block 13
Township Village
312 Marmaton

Lot 16 Block 2
Township Village
411 Marmaton

Lot 9 Block 13
Township Village
302 Marmaton

Lot 15 Block 2
Township Village
417 Marmaton

Lot 8 Block 12
Township Village
000 Diagonal

Lot 14 Block 2
Township Village
425 Marmaton

Lot 7 Block 12
Township Village
309 Diagonal

Lot 13 Block 2
Township Village
501 Marmaton

Lot 6 Block 12
Township Village
321 Marmaton

Lot 12 Block 2
Township Village
515 Marmaton

Lot 5 Block 12
Township Village
327 Marmaton

Lot 11 Block 2
Township Village
525 Marmaton

Lot 4 Block 12
Township Village
335 Marmaton

Lot 10 Block 2
Township Village
527 Marmaton

Lot 3 Block 12
Township Village
343 Marmaton

Lot 9 Block 2
Township Village
601 Marmaton

Lot 2 Block 12
Township Village
349 Marmaton

Lot 8 Block 2
Township Village
611 Marmaton

Lot 7 Block 2
Township Village
619 Marmaton

Lot 6 Block 2
Township Village
2902 W 3rd

Lot 5 Block 2
Township Village
635 Marmaton

Lot 4 Block 2
Township Village
651 Marmaton

Lots 1, 2 & 3 Block 2
Township Village
659 Marmaton

TO: City Commission
FROM: Engineering Department
SUBJ: Sanitary Sewer-Grandview
DATE: August 28, 2017

Background:

Bids were received for sanitary sewer extension/improvements to serve the new Grandview elementary school.

Engineer's Estimate	\$242,682.00
Nowak Construction	\$250,190.50
Alan's Excavating	\$359,588.00

Pre-Design Authorization	Construction	\$319,824.00
	Total Project	\$420,294.08

Policy Issue:

The City Commission reviews the bids and awards the contract to the lowest and best bidder.

Alternatives:

Not applicable.

Fiscal Impact:

The total costs will be assessed to the improvement district. The total cost of the project will be bonded, therefore allowing the improvement district to pay off the debt over a twenty year period, unless USD 490 determines sufficient cash is available at the end of the project.

Trade-offs:

The decision of a governing body to provide public improvements often requires nearby property owners to equally be assessed a portion of the improvements. In such instances, this requires balancing community benefits with potentially negative impacts on the assessed property owners.

Staff Recommendation:

Accept the bids and proceed with the requested improvements.

Commission Actions:

Commissioner _____ moved that since Nowak Construction has submitted the lowest and best bid of \$250,190.50 for project no. 514, the City Manager be directed to award the contract to said contractor providing that the company furnish the proper bonds.

Commissioner _____ seconded the motion.

City of El Dorado Project No. 514
Sanitary Sewer Extension-Country Club Rd
Bid Opening: August 29, 2017

				ENGINEERS ESTIMATE		NOWAK CONST.		ALAN'S EXCAVATING	
ITEM			NO. OF	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL
NO.	DESCRIPTION	UNITS	UNITS	COST	COST	COST	COST	COST	COST
1	8" Sanitary Sewer Pipe (Rock)	L.F.	2626	\$57.00	\$149,682.00	\$59.25	\$155,590.50	\$113.00	\$296,738.00
2	Precast Concrete Manhole 5' Dia.	EACH	2	\$7,500.00	\$15,000.00	\$7,500.00	\$15,000.00	\$5,000.00	\$10,000.00
3	Precast Concrete Manhole 4' Dia.	EACH	7	\$4,000.00	\$28,000.00	\$5,400.00	\$37,800.00	\$3,000.00	\$21,000.00
4	Manhole Connection	EACH	2	\$500.00	\$1,000.00	\$3,300.00	\$6,600.00	\$3,000.00	\$6,000.00
5	Demo Lift Station & Bypass Pumping	L.S.	1	\$15,000.00	\$15,000.00	\$9,400.00	\$9,400.00	\$4,500.00	\$4,500.00
6	Mobilization	L.S.	1	\$8,000.00	\$8,000.00	\$10,100.00	\$10,100.00	\$9,100.00	\$9,100.00
7	Site Clearing & Restoration	L.S.	1	\$23,000.00	\$23,000.00	\$10,100.00	\$10,100.00	\$1,650.00	\$1,650.00
8	Erosion Control	L.S.	1	\$3,000.00	\$3,000.00	\$5,600.00	\$5,600.00	\$10,600.00	\$10,600.00
TOTAL					<u>\$242,682.00</u>		<u>\$250,190.50</u>		<u>\$359,588.00</u>

TO: City Commission
FROM: Linda Jolly, El Dorado, Inc.
SUBJ: Ad Hoc Housing Committee Recommendation for Kansas Housing Resources Corporation (KHRC) Moderation Income Housing (MIH) 2017 Application
DATE: August 30, 2017

Background:

The KHRC has issued a Request for Proposals for their 2017 MIH grant program. The RFP allows applicants to apply for up to \$400,000 to be used for a wide range of housing activities. El Dorado received funding in 2015 (\$90K) and 2016 (\$120K). The City of El Dorado in conjunction with El Dorado, Inc. created an RFP and pre-application to determine local interest in the 2017 program. (See attached RFP and application) Applications were due at noon 8/15/2017. The Ad Hoc Housing Committee met the afternoon of 8/15/17. 4 applications were received for a total of 50 proposed units. A follow up meeting of the Ad Hoc Housing Committee will be held September 5, 2017 at noon to review final parameters for the review and approval of the El Dorado City Commission at their September 5, 2017 meeting.

What is moderate income?

**Kansas Housing Resources Corporation
Moderate Income Housing Income Range Guidelines
Based upon HUD FY 2017 State Income Limits**

	1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 persons
Maximum	\$71,906	\$82,219	\$92,438	\$102,750	\$111,000	\$119,156	\$127,406	\$135,656
Minimum	\$28,763	\$32,888	\$36,975	\$41,100	\$44,400	\$47,663	\$50,963	\$54,263

Policy Issue:

The City Commission must direct staff to prepare and submit an application for the KHRC 2017 MIH program.

Alternatives:

Not applicable.

Fiscal Impact:

New and infill construction projects that may qualify under the current Neighborhood Revitalization Program based on pre-applications received and a mix of new construction and rentals. Estimate of tax rebate as a result of this project is \$9,120 per year. Estimate impact to the tax base estimated to be an increase of \$1.75M. (8 units @ \$125K and 10 units @ \$75K)

Trade-offs:

Not applicable

Staff Recommendation:

To prepared and submit an application to the KHRC 2017 program for \$190K with funding parameters approved at the September 5, 2017 meeting.

Commission Actions:

Commissioner _____ moved to direct the City Manager to complete the application and submit it to the Kansas Housing Resources Corporation.

Commissioner _____ seconded the motion.

2017 KHRC MIH Pre-Applications

<u>Applicant</u>		<u>Type</u>	<u>Rents/Cost</u>	<u># Units</u>	<u>Bedrooms</u>	<u>Bath</u>	<u>Request</u>	<u>Use of Funds</u>
1	Rental or	Single	\$850-\$1K	6	2	2	\$10K per unit	Demo, Lot Aquisition, Prep, Utilities
1	New Build	Single	\$120K-\$125K	6	2	2	\$10K per unit	Down Payment Assistance
				6			\$60K	
2	Rental or	Duplex	\$800-\$1,200	8	2-3	2	\$40K per unit	Demo, Pave Alley, Storm Rooms, Construction
2	New Build	Duplex	\$125K	8	2-3	2	\$40K per unit	Demo, Pave Alley, Storm Rooms, Construction
				8			\$320K	
3	Rental	Upper Story	\$450	2	Studio	1	\$25K per unit	Rehabilitation
3	Rental	Upper Story	\$800	9	2	2	\$25K per unit	Rehabilitation
3	Rental	Upper Story	\$800	3	1	1	\$25K per unit	Rehabilitation
3	Rental	Upper Story	\$800	1	2	1	\$25K per unit	Rehabilitation
				15			\$375K	
4	Rental	Duplex	\$900	12	3	2	\$15K per unit	Offset construction cost to lower rents
4	Rental	Tri-Plex	\$650	9	2	2	\$15K per unit	Offset construction cost to lower rents
				21			\$315K	

TO: City Commission
FROM: Engineering Department
SUBJ: Vacate Alley in Riverside Addition
DATE: August 28, 2017

Background:

The alley in question was previously vacated circa. 1906, however a copy of that original Ordinance cannot be located. There is an upcoming transaction of property within this neighborhood and the Title Company is requesting documentation. So we are asking the Commission to re-vacate the alley.

Policy Issue:

The City Commission shall consider the Ordinance for vacating the alley

Alternatives:

Not applicable.

Fiscal Impact:

Not applicable

Staff Recommendation:

Proceed with the vacation.

Commission Actions:

Commissioner _____ moved that Ordinance No. _____ an ordinance relating to and providing for the vacation of a certain alley in Block 28 of Riverside Addition to the City of El Dorado, Kansas, be approved.

Commissioner _____ seconded the motion.

Roll Call Vote

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

ORDINANCE NO. _____

**AN ORDINANCE RELATING TO AND PROVIDING FOR THE
VACATION OF A CERTAIN ALLEY IN BLOCK 28 OF RIVERSIDE
ADDITION TO THE CITY OF EL DORADO, KANSAS, HEREINAFTER
MORE SPECIFICALLY DESCRIBED.**

WHEREAS, it is declared by the Governing Body that it would be in the best interest of the City that a certain alley in Block 28 of Riverside Addition to the City of El Dorado, Kansas be vacated.

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

Section 1: That the real estate located in the City of El Dorado, Kansas
Described as follows, to wit:

Vacation of the existing Alley

Section 35, Township 25, Range 5E

East/West alley between Lot 39 and Lots 14-24 in Block 28 Riverside
Addition

Should be and is hereby vacated.

Section 2: This Ordinance shall become effective thirty-one (31) days after publication, unless one or more interested parties files a written protest before the expiration of said time. In the event such a protest is filed in the office of the City Clerk of the City within such time, the governing body shall set the matter for hearing ten (10) days after the end of the thirty (30) day period. The hearing may be continued from time to time and at the conclusion thereof the Governing Body shall adopt a resolution confirming the vacation ordinance and the same shall be filed with the County Clerk and the Register of Deeds as provided by K.S.A. 14-423 or in the event such resolution is not adopted, this vacation ordinance shall be void and of no effect.

PASSED and APPROVED by the Governing Body of the City of El Dorado,
Kansas on September 5, 2017.

Vince Haines, Mayor

ATTEST:

Tabitha Sharp, City Clerk

Ashlyn B. Lindskog, City Attorney



Alley Vacation

Block 28

N Cherokee St

N Walnut St

N Oak St

E 9th Ave

E 8th Ave