

EL DORADO CITY COMMISSION – REGULAR MEETING AGENDA
CITY HALL – 220 E. FIRST AVENUE
November 20, 2017 – 6:30 PM

- 1. Call to Order**
- 2. Roll Call**
- 3. Invocation** – Reverend John Carol, Hope Covenant Church
- 4. Pledge of Allegiance**

Proclamations and Recognition

- 5. Employee Service Awards**
 - a. 10 Years
 - i. Darcia Beavers, Public Works
 - ii. Pat Fountain, Public Utilities
 - iii. Kevin Karst, Public Works
 - iv. Shane McCoy, Fire
 - v. Jason Patty, Public Utilities
 - vi. David Windle, Public Utilities
 - b. 15 Years
 - i. Troy Jellison, Fire
 - ii. Rodney Reed, Public Works
 - c. 20 Years
 - i. Larry Hill, Public Works
 - d. 25 Years
 - i. Kurt Bookout, Public Utilities
 - e. 30 Years
 - i. Nelson Koehn, Recycle

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:** November 6, 2017 City Commission Minutes and November 1, 2017 Special City Commission Minutes.

Old Business

9. None

New Business

10. Kansas Moderate Income Housing Agreement

Reports

11. City Commission and Advisory Board Updates

12. City Manager

Executive Session

a. None

Adjournment

13. Consideration of a motion to adjourn the November 20, 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

November 6, 2017

The El Dorado City Commission met in a regular session on November 6, 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

Levi Yager	Butler County Times Gazette	El Dorado, KS
Brad Meyer	220 E 1 st	El Dorado, KS
Don Adlesperger	3253 SW Haverhill	El Dorado, KS
Curt Zieman	128 N Vine	El Dorado, KS
James Cook	719 Fredrick Dr	El Dorado, KS

CALL TO ORDER

Mayor Vince Haines called the November 6, 2017 meeting to order.

INVOCATION

Reverend Mark Somerville, Family Worship Center, opened the meeting with prayer.

PLEDGE OF ALLEGIANCE

The City Commission led the Pledge of Allegiance.

PUBLIC COMMENT

Mayor Vince Haines opened the floor for public comment.

There were no comments.

CONSENT AGENDA

Approval of the City Commission minutes from October 16, 2017 and Special City Commission Minutes from October 4, 2017.

Approval of Appropriation Ordinance No. 10-17 in the amount of \$1,333,717.45.

Approval of the appointment of Seth Turner and Tamara Morgan to the CTC Board for a term set to expire on May 1, 2019.

Commissioner Nick Badwey moved to approve the consent agenda as presented.

Commissioner Kendra Wilkinson seconded the motion.

EL DORADO CITY COMMISSION MEETING

November 6, 2017

Motion carried 5 – 0.

NEW BUSINESS

BAD DEBT

City Clerk Tabitha Sharp stated that as discussed at the previous work session, the Ordinances provided will allow staff to pass the costs of collecting bad debt to the customer responsible for that debt.

Commissioner Nick Badwey moved to approve Ordinance No. G-1266, an Ordinance amending Title 13.08 of the El Dorado Municipal Code relating to administrative charges associated with collecting bad debt.

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	Yes

Commissioner Nick Badwey moved to approve Ordinance No. G-1267, an Ordinance amending Title 13.20 of the El Dorado Municipal Code relating to administrative charges associated with collecting bad debt.

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	Yes
Position No. 2	Commissioner Gregg Lewis	Yes

Commissioner Nick Badwey moved to approve Ordinance No. G-1268 an Ordinance amending Title 8.04 of the El Dorado Municipal Code relating to administrative charges associated with collecting bad debt.

Commissioner Kendra Wilkinson seconded the motion.

ROLL CALL VOTE

Position No. 4	Commissioner Kendra Wilkinson	Yes
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EL DORADO CITY COMMISSION MEETING

November 6, 2017

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

CURBSIDE RECYCLING

Brad Meyer, Public Works Director, presented information regarding the curbside recycling program and the increase in costs for that program.

The City Commission agreed that they would like to hear from the citizens before making a decision regarding the future of the recycling program.

Mr. Meyer stated that they would send a survey to all residential accounts in El Dorado.

NEIGHBORHOOD REVITALIZATION PROGRAM

Scott Rickard, City Engineer, reviewed the existing Neighborhood Revitalization Program. He stated that the portion for new housing would expire on December 31st and in order to continue it, the Commission would need to pass a resolution.

Commissioner Kendra Wilkinson moved to approve Resolution No. 2855, a resolution authorizing and directing the Mayor to execute an interlocal agreement with the Butler County Board of County Commissioners, Butler Community College, Unified School District #490, and Unified School District #375, to extend the Neighborhood Revitalization Program through December 31, 2019.

Commissioner Chase Locke seconded the motion.

Motion carried 5-0.

REPORTS

CITY COMMISSION

Commissioner Kendra Wilkinson stated that fall sports have ended and basketball is beginning in November. She also stated that the Prairie Trails pool has been filled in.

Mayor Vince Haines stated that REAP is continuing their strategic planning.

Commissioner Nick Badwey reminded citizens to go vote on Tuesday.

CITY MANAGER

EL DORADO CITY COMMISSION MEETING

November 6, 2017

City Manager David Dillner stated that the payment website has been experiencing some difficulties, we have contact the software company and they are working on the problem. He encouraged citizens to call the office if they experienced difficulty paying their bill.

City Manager Dillner stated that if citizens did not know where to go vote, they could call City Hall and we would help them.

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 7:55 p.m. in the City Commission Room.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

Mayor Vince Haines called the meeting back to order at 7:55 p.m.

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 8:25 p.m. in the City Commission Room.

Commissioner Chase Locke seconded the motion.

Motion carried 5 – 0.

Mayor Vince Haines called the meeting back to order at 8:27 p.m.

ADJOURNMENT

Commissioner Chase Locke moved to adjourn the meeting at 8:28 p.m.

Commissioner Gregg Lewis seconded the motion.

Motion carried 5 – 0.

City Clerk Tabitha D. Sharp

Mayor Vince Haines

EL DORADO CITY SPECIAL COMMISSION MEETING

November 1, 2017

The El Dorado City Commission met in special session on November 1, 2017 at 4:00 pm at City Hall with the following present: Mayor Vince Haines, Commissioner Chase Locke (arrived at 5:50 p.m.), Commissioner Gregg Lewis, Commissioner Nick Badwey, Commissioner Kendra Wilkinson, City Manager David Dillner, Finance Director Tammy Schaffer, City Engineer Scott Rickard and City Clerk Tabitha Sharp.

VISITORS

Brad Meyer	220 E 1 st	El Dorado, KS
Darcia Beavers	220 E 1 st	El Dorado, KS
Matt Guthrie		El Dorado, KS
Curt Zieman	220 E 1 st	El Dorado, KS
Sue Meyer	220 E 1 st	El Dorado, KS
Susie Carson	El Dorado Chamber	El Dorado, KS

CALL TO ORDER

Mayor Vince Haines called the November 1, 2017 Special City Commission meeting to order at 4:00 p.m.

CURBSIDE RECYCLING

Brad Meyer, Public Works Director, was present to discuss the curbside recycling program. He stated that staff were recently informed of a drastic increase in recycling costs and are seeking direction from the City Commission.

The City Commission requested that staff provide a presentation at the Monday meeting followed by a survey to the citizens.

NEIGHBORHOOD REVITALIZATION PROGRAM

Scott Rickard, City Engineer, stated that the new home portion of the neighborhood revitalization program is set to expire at the end of December. He reviewed the program and stated that staff would bring it to the next Commission meeting for approval.

LAND SALES AND ACQUISITIONS

Staff proposed that all residential lots be listed on the City's website for sale, first come, first served. They stated that all larger land purchases and sales would be brought to the Commission for discussion. The City Commission agreed.

ADVISORY BOARDS

City Clerk Tabitha Sharp reviewed two applications for the CTC Board. She stated that they would be presented at the next meeting for official appointment.

City Manager David Dillner stated that the remainder of the conversation regarding the new terms for advisory boards and recommendations from staff would be presented at the next work session.

BAD DEBT

City Clerk Tabitha Sharp presented information on bad debt in the City of El Dorado and how it is collected. She stated that staff are requesting that an additional fee be added to the debt before it is sent to collections so that the City can recoup more of the money owed. The City Commission agreed to hear it at the next regular meeting.

EDUCATIONAL FACILITIES AUTHORITY OF BUTLER COUNTY

This item was tabled until the next meeting.

REPORTS

City Manager David Dillner stated that the marketing plan for the city is ready, but a new group has taken shape in the downtown area. He stated that staff are going to wait to move forward with our plan until we see what comes of that new group.

ADJOURNMENT

Commissioner Chase Locke moved to adjourn the meeting at 6:15 p.m.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

City Clerk Tabitha D. Sharp

Mayor Vince Haines

TO: City Commission
FROM: Engineering Department
SUBJ: Kansas Moderate Income Housing Program
DATE: November 14, 2017

Background:

The City was awarded funding from the Kansas Housing Resources Corporation (KHRC) for the Kansas Moderate Income Housing Program in the amount of \$190,000.00. The next step is to authorize the City Manager to sign the grant agreement with the KHRC. The grant may be used for any of the following allocations:

Homebuyer assistance in the amount of \$10,000/house for two bedroom, two bath, new single family homes or one half of a duplex or condo unit.

Homebuyer assistance in the amount of \$15,000/house for three bedroom, two bath new single family homes or one half of a duplex or condo unit.

Gap financing in the amount of \$10,000/unit multi-family rental units with at least two bedrooms and two bathrooms.

Construction of this development must begin by April 1st 2018. This grant will be subject to development agreements between the City of El Dorado and the Developers.

Policy Issue:

Construction will fill a Community need for housing.

Alternatives:

Not applicable.

Fiscal Impact:

The grant is for \$190,000. The City will have no fiscal responsibility for this project other than administering the grant to meet the terms of the agreement.

Trade-offs:

Not applicable.

Staff Recommendation:

Authorize the City Manager to sign the grant agreement.

Commission Actions:

Commissioner _____ moved to authorize the City Manager to sign the Grant Agreement with the Kansas Housing Resources Corporation for the Kansas Moderate Income Housing Program.

Commissioner _____ seconded the motion.

GRANT AGREEMENT

THIS GRANT AGREEMENT ("**Agreement**") is made by and between the City of El Dorado, Kansas, ("**Grantee**"), 220 East 1st Street, El Dorado, Kansas 67042 and Kansas Housing Resources Corporation, 611 South Kansas Avenue, Suite 300, Topeka, Kansas 66603 ("**KHRC**") this _____ day of November, 2017.

WHEREAS, KHRC is a public corporation that administers Federal and State housing programs, as well as the State Housing Trust Fund ("**SHTF**") which is used for funding housing programs and services.

WHEREAS, the Kansas Legislature passed and the Governor signed Senate Substitute for Substitute for HOUSE BILL No. 2231 ("**Bill**") which provided \$2 million for the State Housing Trust Fund ("**SHTF**") to be used for the purpose of loans or grants to cities or counties for infrastructure or housing development in rural areas ("**Eligible Activities**").

WHEREAS, utilizing the funds provided under the Bill, KHRC issued a Kansas Moderate Income Housing ("**MIH**") Request for Proposal ("**RFP**") on July 15, 2017.

WHEREAS, Grantee requested MIH funds for proposed eligible activities by an application dated September 15, 2017 which is hereby incorporated by reference herein ("**Application**"), and which commitments and representations contained therein expressly remain a continuing obligation and responsibility of Grantee;

WHEREAS, KHRC's Loans and Grants Committee approved a grant totaling \$190,000 for Grantee's proposed eligible activities at its November 6, 2017 meeting;

NOW THEREFORE, the parties do mutually agree as follows:

1. **Grant Funds**. KHRC hereby grants Grantee up to \$190,000 ("**Funds**") for Eligible Activities.
2. **Use of Grant Funds**. Grantee shall use the MIH Funds solely on the Eligible Activities proposed in Grantee's Application and approved by KHRC, and in accordance with the following allocation:
 - a. Homebuyer assistance in the amount of \$10,000/house for two bedroom, two bath, new single family homes or one half of a duplex or condo unit.
 - b. Homebuyer assistance in the amount of \$15,000/house for three bedroom, two bath new single family homes or one half of a duplex or condo unit.
 - c. Gap financing in the amount of \$10,000/unit multi-family rental units with at least two bedrooms and two bathrooms.

- d. Construction of this development shall begin by April 1, 2018 unless a change is approved by KHRC.
3. **Leverage Commitment.** In addition to the Funds provided by KHRC, Grantee shall provide leveraged funds in accordance with its representations in its Application towards the costs of the Eligible Activities.
4. **Disbursement of Grant Funds.** Grantee commits to use its usual procurement processes for bidding out each portion of the approved Eligible Activities. As development costs are incurred, Grantee may make a lump sum or partial payment request from KHRC, providing documentation of such costs, as well as evidence that the leverage commitment in Grantee's Application is being used in the funded Eligible Activities. Requests for payment shall be accompanied by supporting documentation and made to the attention of Fred Bentley, who may be reached as follows:

Fred Bentley, Director of Rental Development
E-mail: fbentley@kshousingcorp.org
Phone: 785-217-2029

KHRC reserves the right to request additional documentation prior to disbursement of MIH Funds.

5. **Compliance with Regulations.** Grantee shall ensure compliance with all MIH rules and restrictions, as stated in the Bill and the MIH RFP, as well as other governing laws, **including the accessibility requirements of KSA 58-1401 et seq.** when applicable, and the 2012 International Energy Conservation Code. If Grantee is using the Funds for single family housing development or assistance, Grantee shall also enact and monitor a recapture provision as explained in the RFP. Prior to making any modifications to the approved Eligible Activities from Grantee's funding Application, Grantee commits to obtain written approval from KHRC.
6. **Program Income.** Grantee commits to use any income derived from or generated by the approved Eligible Activities, regardless of when the income is received, solely for housing purposes in accordance with the RFP.
7. **Reporting.** Beginning with the first business day of the month following the award being made to an applicant and each month thereafter, the awardee shall submit in writing monthly status reports to KHRC until the entire development is completed and all funds have been expended. The status report should detail the use of funds to date, along with a self-assessment comparing that use with the recipient's proposed use from its original application to KHRC. The status

report should include an evaluation of the housing activities to date as well as the status of construction and the nature and reasons for any changes in the activities. A monthly status report should be filed even if there has been no progress or activity from the previous month.

Within 60 days following completion of the development and expenditure of all MIH funds a final accounting shall be submitted to KHRC on its forms, which shall include the use of any income generated from the housing activities.

8. **Compliance Monitoring.** When MIH funds are used in the development of rental housing, either directly or indirectly, it shall be required that tenants be initially qualified with gross incomes within the established MIH ranges as outlined in the RFP. Generally, the housing tax credit qualification procedures will be used to certify tenants and verify incomes but will use the higher MIH ranges. Tenants need not be recertified once they are initially qualified. This process will be used for the first five years following completion of the development whenever a new tenant enters the property. At the end of the fifth year, there shall be no further qualification procedures.

When MIH funding is used for home ownership opportunities, either directly or indirectly, an initial certification using the housing tax credit procedures will be required when the home is purchased. There will be no certification required for subsequent purchasers of the home when the first purchaser was qualified under the MIH guidelines. However, KHRC will require that the city or county receiving funding for homeownership purposes shall record a deed restriction on the property limiting the profit that can be achieved whenever such home is sold within a ten year period of its initial occupancy. The restriction shall require a declining refund of any profit payable to the city or county in increments of ten percent annually. If a home is sold within one year of its initial occupancy, 100 percent of the profit earned from such sale shall be paid to the city or county. This percentage shall decline ten percent each year so that in the tenth year, if the home is sold, ten percent of the profit shall be returned to the city or county. At the end of the tenth year of occupancy, the deed restriction shall be lifted and there shall be no restriction on the profit achieved by the sale of the home.

9. **Noncompliance.** Noncompliance with the MIH RFP, this Agreement, or other reasonable requirements of KHRC, shall result in penalties including but not limited to recapture of funds and/or loss of eligibility for future funds.
10. **Rescission/Unavailability of Funds.** Grantee understands that the MIH RFP and Grantee's award is funded in whole or in part by State of Kansas funds provided through the Bill. In the event the State funds supporting this Agreement become unavailable, are reduced, or rescinded, KHRC may terminate or amend this Agreement without penalty and will not be obligated to pay the Grantee from any other sources, including KHRC, SHTF, or State of Kansas monies.

11. **Miscellaneous.** The descriptive headings of this Agreement are for convenience only and shall not be deemed to affect the meaning of any provision. This Agreement may be modified only by the mutual written agreement of the parties. If any provision of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable to any extent, the remainder of this Agreement shall not be affected and each provision of this Agreement shall be enforced to the fullest extent permitted by law. The failure of KHRC to exercise any of its rights or responsibilities under the Bill or this Agreement shall not constitute a waiver of the right to exercise the same or any other option at any subsequent time in respect to the same or any other event. This Agreement constitutes the entire agreement of the parties and supersedes all other prior written or oral contracts between the parties with respect to the subject matter hereof.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by their duly authorized official or officers on the date first indicated.

GRANTEE: CITY of EL DORADO

By: _____

Date: _____

KANSAS HOUSING RESOURCES CORPORATION

By: _____
DENNIS MESA, EXECUTIVE DIRECTOR

Date: _____