



EL DORADO

THE FINE ART OF LIVING WELL

City of El Dorado, KS
220 E. First Avenue
El Dorado, KS 67402
Phone: (316) 321-9100
Fax: (316) 321-6282
www.eldoks.com

TO: City Commission
FROM: Tabitha Sharp, City Clerk
SUBJ: Work Session Meeting Agenda
DATE: August 1, 2018

A Work Session is scheduled for August 1, 2018 at 4:00 pm in the Commission Chambers at City Hall, 220 E. First Avenue. The following items will be presented:

I. ITEMS FOR PRESENTATION AND DISCUSSION

- a. Opportunity Zones Discussion
- b. Sales Tax Question Discussion
- c. IPS Testimony Letter Discussion
- d. Promise Program Discussion

II. MAY 21st REGULAR AGENDA REVIEW

- a. Consent Agenda
 - i. City Commission Minutes
 - ii. Appropriation Ordinance
- b. New Business
 - i. Budget Hearing and Adoption
 - ii. Sales Tax Ordinance
 - iii. IPS Testimony
 - iv. School Zones
 - v. UPOC and STO
 - vi. Utility Billing Ordinance
 - vii. Grant Agreement for CNG

III. REPORTS

- a. City Commission Reports
- b. City Manager's Report

2018 Commission Priorities

Water Sales • Community Image • Industrial and Business Parks • Parks and Recreation • Public Safety

RESOLUTION NO. ____

**A RESOLUTION TO SUBMIT TO THE QUALIFIED
ELECTORS OF THE CITY OF EL DORADO, KANSAS, THE
PROPOSITION OF CONTINUING A RETAILERS' SALES TAX.**

WHEREAS, pursuant to K.S.A. 12-187, et seq., the Governing Body of the City of El Dorado, Kansas, deems it to be in the best interest of the City that a question should be submitted to the qualified electors of said City concerning the continuing of a retailers' sales tax, which tax shall be collected by the State Department of Revenue with the revenue to be returned to the City of El Dorado, Kansas.

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

Section 1: On or about November 6, 2018, an election shall be held, in the manner prescribed by law, for the purpose of submitting to the qualified electors of the City of El Dorado, Kansas, the question of continuing a retailers' sales tax in the City of El Dorado, in the amount of one percent; such tax to take effect on the first day of October 2019, if approved by a majority of the voting electors.

Section 2: If approved by a majority of the electors, such tax shall be subject to all applicable state laws and administrative rules and regulations of the Kansas Department of Revenue. The Kansas Department of Revenue shall administer, enforce and collect such tax.

Section 3: The election shall be conducted in association with the general election by the County Election Officer, pursuant to K.S.A. 25-101 through 25-230.

Section 4: The proposition to be placed on the ballot shall be in substantially the following form:

"Shall the city retailers' sales tax in the amount of one percent be extended for a period of five years from and after the first day of October 2019, in the City of El Dorado, Kansas to take effect on the first day of October 2019, with the first \$600,000 to be allocated annually for street rehabilitation within the City of El Dorado, the next \$1,650,000 to be allocated annually for property tax reduction, the next \$100,000 to be allocated annually for a fund for economic development purposes, and with the balance being distributed per Ordinance ____, which retailers' sales tax shall continue in full force and effect?"

Section 5: The City Clerk and County Election Officer shall cause a notice to be published on the *question submitted election* as provided by law.

ADOPTED at El Dorado, Kansas, the ____ day of August 2018.

Vince Haines
Mayor

Gregg Lewis
Commissioner

Nick Badwey
Commissioner

Kendra Wilkinson
Commissioner

Matthew Guthrie
Commissioner

Attest:

Tabitha D. Sharp
City Clerk

ORDINANCE NO. ____

AN ORDINANCE PLEDGING THE FUTURE USE OF ALL THE REVENUE WHICH MAY BE RECEIVED BY A ONE PERCENT RETAILERS'SALES TAX LEVIED IN THE CITY OF EL DORADO, SHOULD THE QUALIFIED ELECTORS OF SUCH CITY VOTE IN FAVOR THEREOF.

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

Section 1: In the event the electors of El Dorado, Kansas, approve the continuation of the one percent retailers' sales tax, at an election to be held in association with the general election on November 6, 2018, the Governing Body hereby pledges to use the revenues in the following manner:

- a. The first \$600,000 shall be allocated annually for Street Rehabilitation within the City of El Dorado; and
- b. The next \$1,650,000 from the tax shall be used annually for property tax reduction for the inhabitants of the city; and
- c. The next \$100,000 from the tax shall be allocated annually to Economic Development Projects and Initiatives as provided herein; and
- d. The remaining balance of sales tax proceeds shall be allocated to municipal services and functions provided directly by the City, or Capital Expenditures that directly support City operations and that are included in the current Capital Improvement Plan.

The retailers' sales tax shall continue in full force and effect for a period of five years from and after the first day of October 2019.

Section 2: In the event the electors determine to extend the one percent sales tax for another five-year period, the existing Sales Tax Advisory Committee shall continue in existence, the membership to remain the same or be changed as provided by the Governing Body. The Committee shall continue to solicit input from the community for suggestions on appropriate uses for sales tax proceeds, and shall annually hold public meetings and a public hearing concerning the proposed uses of the sales tax revenue in accordance with the provisions of this ordinance.

Section 3: The following terms shall be defined for the purposes of this ordinance as provided herein:

“Capital Expenditure” shall mean an addition or structure that enhances the value of a property, a replacement or upgrade that extends the useful life of an asset, or the acquisition of vehicles or equipment.

“Capital Improvement Plan” shall mean the current Capital Improvement Plan of the City of El Dorado, Kansas, as adopted by the City Commission.

“Street Rehabilitation” shall mean maintaining and rehabilitating the existing geometrical alignment of improved city streets, which includes portions of curb and gutter removal and replacement, mill and overlays, pavement surface treatments, full depth pavement replacement, and pavement related storm drainage facilities.

“Economic Development Projects and Initiatives” shall mean efforts by the City that facilitate:

- a. Business attraction strategies that encourage firms from outside of the City to locate headquarters or other operations within the corporate limits of the City;

- b. Business creation strategies that focus on encouraging the formation of new companies that are locally based and will remain in the community and grow;
- c. Business retention strategies to keep existing businesses in the community and to encourage them to expand their operations within the community;
- d. Enterprise development strategies meant to assist entrepreneurs in support of the creation, growth, and survival of their businesses;
- e. Housing strategies that provide affordable options for the workforce; and
- f. Public infrastructure projects that have the potential to increase tax base.

Any such efforts shall provide a reasonable expectation of a return on investment to the City in the form of increased property taxes, sales taxes, transient guest taxes, or other municipal revenue. The City Commission shall place a higher priority on projects and initiatives that leverage public and/or private investment that seek to accomplish the aforementioned strategies and that create or retain livable wage jobs.

Section 4: This Ordinance shall be published once in the official city newspaper.

PASSED by the Governing Body of the City of El Dorado, Kansas, and

APPROVED by its Mayor, this ____ day of August 2018.

Vince Haines
Mayor

Attest:

Tabitha D. Sharp

City Clerk

DRAFT

MEMORANDUM

TO:

FROM:

RE: Status of IPS Conditional Use Permit Conditions

DATE: July 30, 2018

Since the issuance of the Conditional Use Permit (CUP), the City of El Dorado has noted the continued deterioration of this property, which affects the gateway to our Community and further growth. The property since receiving the CUP has continued to accumulate large sprawling piles of recyclable materials and other waste. One of the purposes as stated in the Butler County Zoning Regulations is to promote the health, safety, morals, comfort, and general welfare of the citizens of Butler County. The City receives numerous complaints of trash and materials blowing onto adjacent properties. The City has taken pictures of the property to document the continued deterioration, non-compliance with the conditions, debris blowing onto neighboring properties, and increasing encroachment onto city property. The following is the list of conditions approved by the Butler County Board of Commissioners with staff comments based on observations and research.

Any future outdoor storage of plastic must be screen in a manner acceptable to the County or City of El Dorado (if under its jurisdiction);

- Plastics, and other assorted materials, are stacked on all portions of the property. Screening is practically nonexistent on the rear of the property. Plastic is also stored on the front of the property along Industrial Road and on the abutting city-owned property, along with being on Township right of way

No outdoor storage of electronic waste is to be allowed;

- Staff has observed large electronic/mechanical objects in the front yard.

The applicant must obey all necessary KDHE permits and/or approvals;

- The property has been in violation of KDHE regulations multiple times regarding storing waste outside property boundaries and allowing unconfined waste to blow long distances from the facility onto other properties. The property has also been subject to a federal lawsuit over dumping hazardous waste on the site.

That all material (including electronic waste) presently stored outside be removed from the property within 90 days of final approval of the facility;

- Staff believes the intent of this condition was to require IPS to clean the outdoor storage that had accumulated on the property prior to CUP issuance and for the business to conduct their operations in the large warehouse. This condition has not been met.

That adequate off-street parking be provided;

- Over the years IPS has increased the amount of outdoor storage on the front of the building and greatly reduced the amount of parking available. Staff has observed parking in the right-of-way.

No parking or unloading in the street is to be allowed;

- Staff has observed trucks being unloaded and loaded in the right-of-way. Additionally, trucks regularly traverse and load and unload on the abutting city-owned property.

The applicant must work with the City of El Dorado and Rural Water District No. 2 to determine the feasibility of installing a fire hydrant with a minimum pumping power of 2,000 gallons per minute in front of the property. If feasible, the applicant must install the hydrant, but in no case shall his liability exceed \$1,200;

- Rural Water District No. 2 does not have the ability to provide water for fire protection at this property.

Applicant must provide MSDS sheets to El Dorado Fire Department of materials stored on the property.

- The Fire Department does not have MSDS sheets on file for IPS.

Along with the conditions listed in the CUP we believe that IPS is in violation of Chapter IV of the Butler County Sanitation Code. The property is a clear nuisance and affects the prosperity of property owners in the area. The condition of the property should be considered injurious to the health and well-being of the citizens of the Butler County.

In closing El Dorado has the potential to grow our industrial base significantly in the general area of IPS. The tax payers of El Dorado have invested significantly to the growth and acquisition of Industrial Property. The Stone and Glaves property which the City owns in partnership with El Dorado Inc. is located directly adjacent and to the East. The City along with Inc. have initiated an Industrial Park Master plan to insure for continued growth for the City and County. Allowing a property such as IPS to continue as is would be a detriment to our future in attracting new prospects to El Dorado and Butler County.