EL DORADO

HONORABLE MAYOR MICHAEL FAGG AND MEMBERS OF THE COMMISSION

CALL TO ORDER – SEPTEMBER 15, 2014
CITY COMMISSION MEETING

INVOCATION – Pastor Terry Engler, Family Worship Center

PLEDGE OF ALLEGIANCE - Ms. Lee's 3rd Grade Class at Skelly Elementary

PROCLAMATION

- None

PERSONAL APPEARANCE

- None

1. Public Comments

This agenda item will be governed by the Public Comment Policy

The Mayor opened the floor for Public Comments

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 5 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.

2. Consent Agenda

1. Consider approval of City Commission meeting minutes from October 6, 2014

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

Commissioner ________________ seconded the motion.

3. Agenda Item No. 3

Issue: Legion Parking Lot

BACKGROUND

The members of the American Legion have asked the City Commission to reimburse them for the cost of resurfacing their parking lot. The lease between the American Legion and the City states that the City will be responsible for all maintenance costs. It also states that all modifications are subject to both parties' approval. The lease for the American Legion property is attached as well as a document showing previous discussions between the City Commission and the American Legion. During discussions at the April 21st meeting, Mayor Fagg stated that he thought the City should pay for the repairs, in an effort to put the issue behind us. The only consensus of the Commission was to be done with the issue. At this time, there has been no motion regarding the reimbursement to the Legion for their parking lot.

NECESSARY ACTION

No further action is required.

Documents: AMERICAN LEGION LEASE.PDF, AMERICAN LEGION LEASE ADDENDUM.PDF, COMMISSION MINUTES ADDRESSING THE LEGION PROPERTY.PDF

4. Agenda Item No. 4
Issue: Dangerous Animal Ordinance

BACKGROUND

The City Commission has discussed with staff and the public an ordinance revising our current ban on pit bulls. Staff have made the revisions requested by the City Commission and will present the current draft of the ordinance for discussion. As suggested at the last meeting, the Commission will not vote on the ordinance at this time. They will give citizens time to comment before voting at the first meeting in October.

Documents: DRAFT DANGEROUS ANIMAL ORDINANCE 1.PDF

5. Agenda Item No. 5

Issue: Farmers Market

BACKGROUND

The 2014 Sales Tax Committee recommended using a portion of the excess sales tax funds to assist in the purchase of a building at 121 W Ash for the Community Market Facility. The City Commission approved the Sales Tax Advisory Board's Recommendation 5 – 0 on March 3, 2014. The City Budget, which includes the approved CIP projects, was approved on August 18, 2014 by a 4 – 1 vote of the City Commission. Staff are present to discuss the proposed business plan.

Documents: MARCH 3 COMMUNITY MARKET MINUTES 2014.PDF, CITY COMMISSION SALES TAX MEETING.PDF, 2014 SALES TAX CMTE MINUTES - COMMUNITY MARKET.PDF

5.I. Community Market Business Plan

Documents: BUSINESS PLAN.PDF

6. Agenda Item No. 6

Issue: El Dorado Sewer Improvements (CDBG Grant) Project #392

BACKGROUND

The City is ready to submit the CDBG grant application to the Kansas Department of Commerce. The project includes: Pipe Bursting from 6" to 8" lines & Manhole Rehabilitation in the South West Sanitary Basin in the neighborhood just North of Skelly School, and CIPP (cured in place pipe lining) between Skelly & Douglass Street. The City is applying for the CDBG grant to cover $500,000 of the improvements. The remaining cost will be paid for by Bonds.

REQUIRED ACTION

Hold a public hearing

Approve the resolutions

STAFF RECOMMENDATION

Approve

SUGGESTED MOTIONS

Commissioner _______________ moved that Resolution No. ___________, a resolution certifying legal authority to apply for the 2015 Kansas Small Cities Community Development Block Grant Program from the Kansas Department of Commerce and authorizing the Mayor to sign and submit such an application.

Commissioner _______________ seconded the motion

Commissioner _______________ moved that Resolution No. ___________, a resolution assuring the Kansas Department of Commerce that funds will be continually provided for the operation and maintenance of improvements to the sanitary sewer system to be financed with Community Development Block Grant Funds.

Commissioner _______________ seconded the motion

Commissioner _______________ moved that Mayor have authority to sign all other supporting documents related to the Community Development Block Grant.

Commissioner _______________ seconded the motion

Documents: PROJECT392RESOLUTION.PDF

7. Agenda Item No. 7
Issue: Project # 354
Paving Atchision Street (Locust to Cave Springs) and Cave Springs (Atchision to Denver)

BACKGROUND

The purpose of this agenda item is to hold a public hearing, and then consider authorizing the improvements. Property owners were notified by mail of this meeting.

NECESSARY ACTIONS

A public hearing must be held.

Consider a resolution to order the improvement.

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STAFF RECOMMENDATION

The Staff recommends that this project be taken forward as proposed.

PUBLIC HEARING

The Mayor called for the public hearing to begin

SUGGESTED MOTION

Commissioner ____________________ moved that Resolution No. ____, a resolution determining the advisability of the making of certain internal improvements for the city of El Dorado, Kansas; making certain findings with respect thereto; and authorizing and providing for the making of the improvements in accordance with such findings, subject to protest (paving improvements/project no. 354).

Commissioner __________________ seconded the motion

Documents: PROJ 354 9-15-14.PDF

8. Agenda Item No. 8
Issue: Website Discussion

BACKGROUND

The City of El Dorado will launch a new website on Monday, September 15, 2014. The website address is WWW.ELDOKS.COM. Staff are present to review the new website and highlight some of the features.

9. Agenda Item No. 9
Issue: New Business - Discussion Items

BACKGROUND

This item is for open discussion by the City Commission.

The Mayor opened the floor for Commissioners' comments.

10. Agenda Item No. 10
Issue: Executive Session

BACKGROUND

This item is for the purpose of discussing legal matters.

SUGGESTED MOTION

Commissioner __________________ moved to recess into an Executive Session for the purpose of discussing legal matters, and to reconvene the regularly scheduled meeting in the City Commission room at __________ p.m.

Commissioner __________________ seconded the motion.

ADJOURNMENT

Respectfully submitted,

Herbert E. Llewellyn, Jr.

CAPTAIN EDGAR DALE POST 81 LEASE

THIS LEASE, made and entered into this 1st day of November, 2009, by and between the City of El Dorado, Kansas, a municipal corporation, hereinafter called "Lessee" and Captain Edgar Dale Post 81, the American Legion, department of Kansas, hereinafter called "Lessor".

The intent of this lease is to facilitate the Lessee's desire to maintain and operate the Lessor's golf operations and provide property for the development of a football and track & field complex for the benefit of the Community.

1) Lessee shall use land only for the municipal purposes including but not limited to golf operations, storm water control, parks and football and track and field facilities, including any and all additional activities of that nature. (ex. Soccer)

2) Lease term is from November 1, 2009 until October 31, 2109 and covers all taxable Legion property located in the area of Central and Haverhill streets in El Dorado, Kansas more fully described on Exhibit "A" attached hereto and made part hereof.

3) Lessee agrees to save and hold Lessor harmless from and against any and all claims and demands which might arise out of the usage of such premises by Lessee and in the event that any such claim or demand is ascertained, Lessee agrees to defend the same at Lessee's expense and to pay any judgment which might result therefrom including holding Lessor safe from attorney's fees. Similarly, if through act of Lessor a claim or liability is created for Lessee, Lessor agrees to hold Lessee safe and harmless from said liability including safe from attorney fees.

4) All golf course operation and maintenance costs will be paid by the City of El Dorado-including driving and parking surfaces, effective November 1, 2009. Any and all prior expenses shall be Lessor's responsibility.

5) All property covered by the terms of the lease may be removed from lease by Lessor by providing Lessee with 60 days written notice of intent to remove, except for the property designated for the football/track complex and its amenities tract, including but not limited to improved and unimproved parking areas, roadways for ingress and egress, storm water drainage improvements, etc. That particular area cannot be taken out of the lease except in the event the Lessee or its assignees purchase that tract for $219, 249.00 or it is assigned to a Community Sports Authority. It is anticipated this excepted tract is the area described in Exhibit "B", attached and made a part hereof. The Lessee reserves the option to purchase the entire property for $1 or other valuable considerations at the end or term of this lease.

6) The Parties agree and it is understood that Lessor may remove any or all portions except Exhibit B above for financial gain. If that occurs, the cash portion of Lessee's monthly payment will be reduced dollar for dollar proportional to gain, up to 50 %. This reduction process is more fully described in Exhibit "C" attached and made a part hereof.

   Lessee is allowed use free of additional fee or expense of all Legion golf equipment and associated buildings while Lessee operates golf course. Once the golf course is no longer operated by the Lessee, the real property and improvements are still under the Lessee's control. However, the moveable equipment shall be returned to Lessor for use and disposal. Lessee is not liable for any damage to personal property from theft or damage in the interim.

7) Lessee will keep golf course open at least until March 31, 2010 or transfer memberships to some other local course to that date. After March 31, 2010, Lessee shall have no obligation to keep Course open for operation. Lessee shall not assume nor be liable for any membership contracts or employee agreements in the name of the Lessor.

8) The Naming rights more specifically described in provision #4 Naming Rights, in Option Agreement dated March 3, 2008 and amendment dated March 3, 2009 will be part of this Lease. The obligation to retain for employment two employees specifically named in Paragraph #10 Groundskeeper shall be honored by Lessee. The Parties agree the Option Agreement and Amendment lapse on their own terms once this Lease is executed.

9) Parties always agree to work together and discuss Lease contract provisions and possible modifications that are constructive modifications subject to both parties' approval and agree to make good faith efforts to make accommodations whenever possible.

10) The lease shall be available to and binding upon the parties hereto and their respective heirs, administrators, successors and assigns.

11) In consideration of the mutual promises conveyed in this lease, Lessee agrees to pay Lessor one thousand dollars ($1,000.00) per month and pay electric, water waste water and gas bills on Post Home, 1801 West Central, El Dorado, Kansas, at their current rate of actual use. Gas and electric bill payment combined shall be no more than $1,000 per month.

12) The Parties acknowledge they have the legal authority and authorization from their elected Board and Commission to enter into this extended Lease.

13) The Lessor warrants that it is the legal owner of the property described in Exhibit A and that said property is free and clear of any and all liens and encumbrances except easements of record.

14) Lessee has right to sublease any and all property subject to the terms and conditions of this Lease. Parties agree the Property described as Exhibit B may be conveyed to a Community Sports Authority and separated from this Lease at that time keeping as constant, right of purchase and maintaining a 99 year lease at consideration of a dollar and other good and valuable consideration.

15) This Lease does not create a corporation, Joint Venture or Partnership between the parties.

16) In the event the rent or utility payments are unpaid for 30 days, Lessor shall provide Lessee written notice and the Lessee shall have 20 days to cure the default by making the payments designated. Failure to cure provides Lessor with option to terminate Lease or keep it in effect.

IN WITNESS WHEREOF, the parties have executed these presents in duplicate, each copy to be treated as an original, the day and year first above written.

THE CITY OF EL DORADO, KANSAS

Herbert E. Llewellyn Jr, City Manager (Lessee) Jerry Demo, Commander (Lessor)

CITY OF EL DORADO SEAL BUTLER CO. KAN.

ATTEST:

Kendra Porter, City Clerk Jerry Manderino, Adjutant

EXHIBIT A

Commencing at a point three hundred thirty (330') feet south of the northeast corner of the southwest quarter (SW¼) of Section number three (3) Township number twenty six (26) south of Range number five (5) east; thence running south to the southeast corner of the northeast quarter of the southwest quarter (NE¼ of SW¼) of said section; thence running west sixty two rods three and one half feet (62 Rods & 3½'); thence running due north to a point four hundred forty three (443') feet south of the north line of said southwest quarter (SW¼); thence running east five hundred fourteen (514') feet; thence running north four hundred forty three (443') feet to the north line of said southwest corner; thence running east to a point three hundred (300') feet west of the northeast corner of the southwest quarter (SW¼) of said Section three (3); thence running south three hundred thirty (330') feet; thence running east three hundred (300') feet to the place of commencement in the County of Butler, State of Kansas

And

The west half of the southwest quarter (W½ of SW¼) of Section number three (3); also beginning at the southeast corner of the west half of the southwest quarter (W½ of SW¼) of said Section three (3); thence running east four (4) rods and six (6) links; thence running north two and one half (2½°) degrees west three hundred ninety and one half (390½') feet; thence running east two hundred and seventy-seven (277') feet; thence running north two and one half (2½°) west six hundred twenty nine and one half (629½) feet to a point ninety-eight (98) rods and six (6) links south of the north line of said southwest quarter (SW¼) of said section; thence north ninety-eight (98) rods and six (6) links to said north line of the southwest quarter (SW¼) of said Section three (3); thence west to the northeast corner of the west half of said southwest quarter and thence south along the east line of the west half of said southwest quarter to the place of beginning, all in Township number twenty-six (26) south, of Range number five (5) east of the sixth (6^{th}) Principal Meridian, in the County of Butler, State of Kansas

And

Excludes the following Book & Page numbers

Book 1004 Page 0099
Book 1191 Page 0182
Book 2007 Page 3937
Book 2008 Page 5873
Book D165 Page 0275
Book 0890 Page 0245
Book 744 Page 174

Exhibit "B"

Legal Description

A Point Beginning 500' +/- North of the Southwest Corner of Section 3, Township 26S, Range 5E along the Section Line thence East 1,100.0' +/-; thence North 1,700.0' +/-; thence West 1,100.0' +/- to Section Line; thence South along Section Line 1,700.0' +/- to the Point of Beginning. (Said Tract Contains 43 Acres +/-)

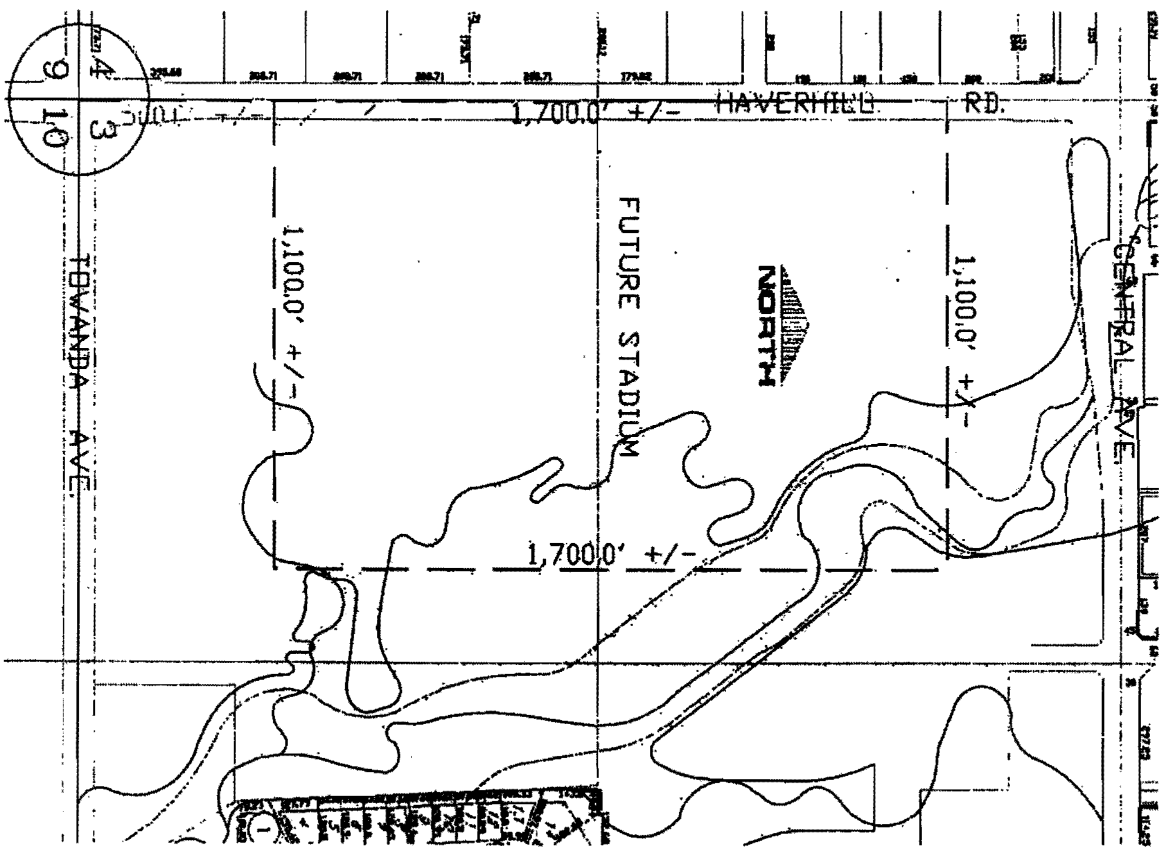

EXHIBIT C

CAPTAIN EDGAR DALE POST 81 LEASE RENUMERATION REDUCTION DESCRIPTION

Provision 6 of City of El Dorado and Edgar Dale Legion Post 81 lease anticipates that the Post will from time to time ask and be granted the right to remove portions of the property described in this lease from same. The parties agree that when this occurs, payments to Post from the City shall be lowered. Below is a fuller description of how payments shall be reduced.

Three independent examples are submitted as an illustration of how City's monthly payments will be impacted when Post takes land out of lease;

Legion agrees to lease third party acreage for $400.00 per month. City's monthly payment will be reduced $400.00 per month and shall be $600.00 per month.

Legion agrees to lease third party acreage for $1,000 dollars per month. City's monthly payment will be lowered to $500.00 per month because rent cannot be lowered below $500.00.

Legion agrees to sell acreage for $30,000 dollars. City's payment would be reduced 10% or $300.00. City's new rent will be $700.00 per month.

ADDENDUM

THIS ADDENDUM to original November 1, 2009 Lease made and entered into this 18 day of November, 2010 by and between THE CITY OF EL DORADO, KANSAS, "Lessee", and CAPTAIN EDGAR DALE POST 81, THE AMERICAN LEGION, "Lessor".

WHEREAS, the parties wish to clarify and exercise the right to purchase a tract of land for the Community Sports Complex.

In paragraph number 5 of the original Lease, the parties have agreed a tract shall be made available for a Community Sports Complex and this further clarifies the Lessor will accept Six Thousand Dollars ($6,000.00) per acre for up to Forty-five (45) acres as described in a Real Estate Purchase Contract marked Exhibit "D" and made a part of this Lease Addendum by reference, subject to the By-Laws of the Lessor as revised February 13, 2006, specifically Article XIV – Properties, Section 1. Providing for real estate properties to be disposed of by Lessor subject to a vote of two-thirds of the members of the Post attending a regular meeting.

The parties agree that the offer to purchase has been made by the Lessee as more specifically described in the Real Estate Purchase Contract Exhibit "D" and that the Executive Board of the Lessor have reviewed and approved for presentation to its membership. The Lessor agrees to proceed as quickly as practical to have a vote of the membership authorizing Lessee to enter into the Real Estate Purchase Contract attached as Exhibit "D".

The parties further reemphasize paragraph nine:

> "Parties always agree to work together and discuss Lease contract provisions and possible modifications that are constructive modification subject to both parties approval."

Once this property is purchased the Base Lease Reductions defined in Exhibit "C" shall be in effect.

The original Lease shall remain in full force and effect, subject to this Addendum clarification.

WITNESS OUR HAND this day and year first above written.

"LESSEE"

THE CITY OF EL DORADO, KANSAS

By:
Herb Llewellyn, City Manager

"LESSOR"

CAPTAIN EDGAR DALE POST 81,
THE AMERICAN LEGION

By:
Its: Commander

EL DORADO CITY COMMISSION MEETING **March 3, 2014**

The El Dorado City Commission met in a regular session on March 3, 2014 at 7:00 pm in the Commission Room with the following present: Mayor Michael Fagg, Commissioner Chase Locke, Commissioner Bill Young, Commissioner Nick Badwey, Commissioner David Chapin, City Manager Herb Llewellyn, City Attorney Jim Murfin, Assistant City Engineer Scott Rickard, and City Clerk Tabitha Sharp.

VISITORS

Judith Storandt	105 Race	El Dorado, KS
Bob Hendricks	American Legion	El Dorado, KS
Jason Hughey	220 E 1st	El Dorado, KS
Jason Reiswig	220 E 1st	El Dorado, KS
Steve Moody	220 E 1st	El Dorado, KS
Suzie Locke	220 E 1st	El Dorado, KS
Kevin Wishart	220 E 1st	El Dorado, KS
Tony Yaghijan	220 E 1st	El Dorado, KS
James Cook	719 Fredrick Dr	El Dorado, KS
Julie Clements	El Dorado Times	El Dorado, KS
Ryan Murry	1830 Quail Run	El Dorado, KS
Eugene Herrmann	405 School Rd	El Dorado, KS

CALL TO ORDER

Mayor Michael A. Fagg called the March 3, 2014 meeting to order.

INVOCATION

Mayor Michael Fagg opened the meeting with an invocation.

PLEDGE OF ALLEGIANCE

Bob Hendricks led the pledge of allegiance.

PUBLIC COMMENT

Mayor Michael Fagg opened the floor for public comments.

Judith Storandt, 105 Race St, stated that she supports the Community Market and would like for the City Commission to seriously consider the project.

Bob Hendricks, 1801 W Central, Commander of the American Legion requested the reimbursement for the resurfacing of the parking lot. He stated per the lease agreement, the City of El Dorado would pay for maintenance including driving and parking surfaces.

Mr. Hendricks stated that he was unaware of the terms of the lease and the work has already been done.

City Manager Herb Llewellyn stated that his assistant sent the call to the Parks Department who is in charge of the Legion. The Parks Director was unable to reach Mr. Hendricks. He stated that in his absence last week, the Public Works Director called him.

Mayor Michael Fagg asked if the City owns the lease on the parking lot.

City Manager Llewellyn stated that the City leases everything that is taxable.

Mayor Fagg asked what they should do from here.

City Manager Llewellyn stated that staff will be happy to review the information.

Commissioner Nick Badwey asked how much the invoice was for.

City Manager Llewellyn stated it was for $67,208.

Commissioner Chase Locke confirmed that no contact was made to the City prior to the repair of the parking lot.

City Manager Llewellyn and Mr. Hendricks confirmed that there was not.

Commissioner Chapin asked about the house in the 300 block of South Emporia.

City Attorney Jim Murfin stated that he has been in contact with the property owners and they will possibly be giving the property to the City in lieu of demolition charges. He stated that he will know more in the near future.

Mayor Michael Fagg asked about the Legion issue.

City Manager Llewellyn stated that at the last meeting, the Post Commander came and presented a bill for the parking lot. He stated that after investigating it, they found that they probably paid a little more than necessary, but parking lot work is different than regular pavement.

Mayor Fagg asked if they would be paying the bill.

City Manager Llewellyn stated that staff would do whatever the Commission requested. He stated that maintenance had been done on the property. He stated that the Commission needed to decide whether or not they would pay for work that is done without our knowledge.

Mayor Fagg stated he thought that the City should negotiate with the Legion to come to a fair price.

Commissioner Badwey asked what the life on a parking lot is.

Mr. Rickard stated that it was probably ten plus years. He stated that the City has a different approach to parking lots than what the Legion did. He stated that there are a lot of city-owned parking facilities that haven't had maintenance other than crack filling in twenty years.

City Manager Llewellyn asked if the City would have done chip seal.

Mr. Rickard stated that the City would have done a seal coat.

Commissioner Badwey asked if staff could provide an estimate of how they would have done it and what that would cost.

Commissioner Locke stated that it would give them a ball park number to take to the Legion.

Mayor Fagg stated that he would like to see that and also a clarification of the lease statement for the Legion.

Mayor Fagg stated that he believed that the Towanda Avenue project could not use the Sales Tax Monies. He was also concerned that the Sales Tax Committee reads the Ordinance because he felt that two of the projects did not fit the description on the ordinance.

City Manager Llewellyn stated that the information is provided to the committee each year in their first meeting.

Mayor Fagg asked if there had been any information on the 6th and Main project.

Mr. Rickard stated that staff are working with El Dorado Inc. and local businesses in order to ensure that the project is done to the best possible outcome. He stated that they are talking with the trucking companies to get a better idea of what will work for them.

Mayor Fagg stated he attended the REAP meeting and they have requested a list of transportation options in each city.

Mr. Rickard stated that REAP has also requested a more comprehensive list of industries in town.

Mayor Fagg asked if staff discussed the cemetery roads.

City Manager Llewellyn stated that work has been done on Walnut Valley.

Mr. Rickard stated that funding is being arranged, they have done work at Walnut Valley but more needs done. He stated they are planning to do some work at Sunset. He stated in the 2015 budget there will be discussion about more parking lots and other City owned areas.

Motion carried 5 – 0.

REMOVAL OF ON-STREET PARKING – S MAIN (LOCUST –BNSF OVERPASS)

Scott Rickard, Assistant City Engineer, stated that with the completion of the recent mill and overlay project, staff are requesting a no-parking restriction be placed in that area in order to allow for a four lane marked roadway.

Mr. Rickard stated that notices were sent to the adjacent property owners, two contacted staff but did not have any specific opinion.

Commissioner Nick Badwey asked if everyone had off street parking.

Mr. Rickard stated that all of the businesses did, the houses would still have on street parking because of the way the roadway narrows to the bridge.

Mr. Rickard stated that this would allow for a dedicated turn lane for trucks onto the traffic way.

Commissioner Chapin stated that the corner would be difficult to make for trucks who use the whole roadway to turn onto the traffic way.

Mr. Rickard stated that this corner is the same radius as sixth to his knowledge.

Commissioner Chapin asked if more traffic was moving that direction.

Mr. Rickard stated that this was being done to control the traffic.

Commissioner Chapin stated that he was in opposition to putting in a second land which would prevent the trucks from making that turn.

Commissioner Nick Badwey moved that Ordinance No. G-1171 an ordinance pertaining to parking be approved.

Commissioner Chase Locke seconded the motion.

ROLL CALL VOTE

Position No. 3.	Commissioner Nick Badwey	Yes
Position No. 3	Commissioner David Chapin	No
	Mayor Michael Fagg	Yes
Position No. 1	Commissioner Chase Locke	Yes
Position No. 2	Commissioner Bill Young	Yes

NEW BUSINESS

Commissioner David Chapin thanked staff, citizens and the Commission for their work tonight.

Commissioner Chase Locke seconded the motion and stated it was refreshing to hear more than one side of an issue.

Mayor Michael Fagg also agreed.

Commissioner Bill Young also thanked everyone for their work. He stated he would like to recognize the middle school students who came to talk tonight and stated he would like to see all of the letters scanned in so they can be read by the whole Commission.

Commissioner Nick Badwey asked if there was a work session on Wednesday.

City Manager Herb Llewellyn stated that there was one scheduled on water.

Mayor Fagg asked about the American Legion parking lot issue. He recommended that the City Attorney clarify the portion of the contract that discusses our duties to the Legion property.

The other Commissioners agreed with the expansion of the contract and asked what the number was.

City Manager Herb Llewellyn stated that the amount was approximately $16,000 for repair.

Scott Rickard, Assistant City Engineer, stated that the number included sealing and patch repair although we were unsure what the original parking lot looked like.

City Manager Llewellyn stated that the City goes for many years before making repairs to parking lots.

Mayor Fagg stated that the contract was written badly and so we had to pay it.

Commissioner Young disagreed; he stated that the problem was that the Legion did not read the contract prior to the repairs.

Mayor Fagg stated that the sentence is not specific enough.

City Manager Llewellyn stated that it was important for them to discuss it with us.

Mayor Fagg stated that it was important to get the issue behind us.

Commissioners Badwey and Chapin were in agreement.

Commissioner Young stated he also wanted to move on, but was unable to say that the City would have done that repair because there was no assessment prior to the repair.

Commissioner Young stated that it was important to make it clear moving forward that everyone should understand that if the City is responsible for upkeep, we will not pay other individuals for repairs that are not approved.

City Manager Llewellyn asked where this issue ends.

Mayor Fagg stated that it ends with the contract.

City Manager Llewellyn stated that it is in writing today and they did not read it. He asked what would happen if someone in the future does this and then comes to the Commission asking for reimbursement.

City Attorney Jim Murfin asked if this could be on the next agenda so that he has time to develop an agreement for approval.

Commissioner Young asked why a new agreement would matter in five years if the current one did not matter this time.

Commissioner Locke stated he felt the members of the Legion were sincere about the misunderstanding and are asking for assistance.

Mayor Fagg asked if they felt the parking lot needed to be repaired.

City Manager Llewellyn stated he felt that in fell in the same request to tear down the Girl Scout's building and the City building. He felt that it was about sprucing up the property for an upcoming event

Mayor Fagg asked why we are leasing the property.

City Manager Llewellyn stated that it was for economic development.

Mayor Fagg asked how much the lease was.

City Manager Llewellyn stated that he was not sure.

Mayor Fagg asked to review the item at the new meeting.

Mayor Fagg asked if the project on Main was a KLINK project.

Mr. Rickard stated it was.

Mayor Fagg asked if the 6^{th} & Main project was a KLINK project.

Commissioner Young stated that the rest of the Commission tried to tell him that last week. He stated that the consensus of the Commission the previous meeting was to not participate in the committee.

Commissioner Chapin stated that Butler County residents are served by the City of El Dorado after the citizens of El Dorado, and others have the opportunity to purchase from the City of El Dorado if they wish.

Mayor Fagg pointed out that at the end of the committee meeting, Commissioner Palmer asked the KDHE employees for further advice. They stated that the City of El Dorado owns the water and that they are contractually obligated to pay for the water through 2080.

Commissioner Young stated that the point of that paragraph is that El Dorado is contractually obligated to pay for the water, not Butler County.

Commissioner Chapin stated he has had more people thank him for not participating in the committee than for anything else they have done on the commission.

Mayor Fagg asked who owns the Educational Facilities Authority of Butler County.

City Manager Llewellyn stated that the stadium property is owned by the EFABC.

Mayor Fagg stated that they have not received any minutes or financials. He asked who reviewed the agreement.

City Attorney Jim Murfin stated that he reviewed it.

Mayor Fagg asked who wrote it.

City Manager Llewellyn stated it was based on a copy of the Hutchinson lease that was revised by Ray Connell.

Mayor Fagg asked why the addendum date was earlier than the agreement.

Mr. Murfin stated that he believed those issues were cleaned up and they are being reviewed now and will hopefully be available in the near future for the Commission to see.

Mayor Fagg asked if the agreement had been signed.

City Manager Llewellyn stated that the agreement has not been signed.

Mayor Fagg asked about the house in the 300 Block of South Emporia.

Mr. Murfin stated he has been exchanging e-mails with the attorney for the property. He stated that the attorney stated it has taken longer in probate than originally anticipated, but it should be transferred to the City soon.

Commissioner Chapin stated he has been discussing the properties with the staff for a few years, he stated that he asks as a citizen because of his proximity to the property.

Mayor Fagg asked if anything had been worked out with the Legion.

City Manager Llewellyn stated that the last time he came, he asked for staff to look at sealing the parking lot. He stated that staff have determined that it is not policy to seal parking lots. He stated that there is no money budgeted this year; it could be done next year by staff.

Mayor Fagg stated that we should be careful what we agree to in a lease.

City Manager Llewellyn stated that they have agreed to do maintenance, not the sealing.

Mayor Fagg stated he would like the attorney to look at the lease to clarify maintenance.

City Manager Llewellyn stated it was his understanding that the agreement amongst the Commission was that they would not read a revised lease if they did not read the first one.

Mayor Fagg asked if staff have looked at the area west of the old pro shop.

City Manager Llewellyn stated he wasn't sure about it.

Mayor Fagg stated that the staff should keep up with what our ordinances require.

City Manager Llewellyn stated he is confident that staff do what they are supposed to. He stated that we are not required to mow that area like a golf course, we mow on each side of the path and a certain distance off the street.

Mayor Fagg asked about the roads in the cemeteries.

City Manager Llewellyn stated that they are fixing them.

Mayor Fagg stated that he noticed that the repair to the corner at Community National Bank did not work and asked if Wal-Mart had been involved.

City manager Llewellyn stated that he discussed it with CNB and felt it was unproductive to involve Wal-Mart.

Mayor Fagg stated that they might have some suggestions. He stated that 6th and Main is not working either, and he would still like to go to two lanes.

City Manager Llewellyn asked if the bell ballard had been ordered.

Mr. Rickard stated that they had been in a discussion with the truckers and it had not been completed yet.

City Manager Llewellyn stated he felt that they should get the State of Kansas involved.

Mayor Fagg stated that the parallel parking markings are not long enough for pick-ups and vans and asked if they would be ticketed for it.

City Manager Llewellyn stated they would not and that the lines are more guidelines for parking.

Mayor Fagg asked if we planned to pay off the first lake debt this year.

City Manager Llewellyn stated that they are not able to refinance the debt this year.

City Clerk Tabitha Sharp stated that the City did not have the cash available to pay that off because it is policy to invest that money in order to be able to pay off the debt in 2080.

Mayor Fagg asked for a list of the investments.

Ms. Sharp stated that she could provide it.

Commissioner Locke wished City Manager Llewellyn luck in bike across Kansas.

CITY MANAGER'S REPORT

City Manager Herb Llewellyn stated that they put a new sign up at Community National Bank and Burger King stating no right turn, please turn at the light. He stated it was filled in and had already been driven over by that evening.

Nuisance Animals.

It shall be unlawful for the owner of any animal to keep or maintain such animal in the City of El Dorado so as to constitute a nuisance. For the purpose of this Section, "nuisance" is defined as any animal which:

Without provocation, molests, chases or interferes with persons or vehicles in the public right-of-way by jumping upon, chasing, barking or biting at persons or vehicles;

Damages public or private property other than that of its owner or harborer by its activities;

Scatters refuse that is bagged or otherwise contained;

Threatens or endangers the health or well-being of persons or other animals, or injures other animals;

Creates noxious or offensive odors;

Defecates upon any public or private property, other than the property of the owner of the animal, unless promptly removed by the animal owner or harborer. This Section shall not apply to a blind person while walking his or her dog;

Creates an insect breeding or attraction site due to an accumulation of excreta;

Is ridden on public property and obstructs or interferes with vehicular or pedestrian traffic;

Creates excessive noise, including barks, howls, whines, brays or cries, which cause an unreasonable annoyance, disturbance or discomfort to the complainant.

No animal may be declared a nuisance if, at the time of violations ~~(a)(1)-(a)(9)~~, the person or animal was teasing, tormenting, abusing or assaulting the alleged nuisance animal. No animal may be declared a nuisance if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

If a notice to appear is issued charging violation of this provision, a subpoena shall also be issued to the complainant to testify to the nuisance under oath.

It shall be a separate offense under this Subsection for any person owning, keeping or harboring any animal deemed a nuisance animal to permit, or allow the animal to run at-large within the City.

Dangerous Animals.

It shall be unlawful for the owner of any animal to keep or maintain such animal in the City so as to constitute a dangerous animal. A dangerous animal is any animal which has done any of the following:

Caused injury, other than killing or serious physical harm, to any person;

Killed another animal;

Been the subject of a second or subsequent violation of Section Nuisance ~~(a)(1) or (4).~~

Notwithstanding the definition of a dangerous animal above, no animal may be declared dangerous if any injury or damage is sustained by a person or animal who at the time such injury or damage was sustained, was upon premises occupied by the owner or keeper of the animal, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime, or if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

Any dangerous animal which is in the custody of an Animal Control Officer and which in the judgment of the Director of Public Works, or his or her designee, would constitute a menace to the health, safety or welfare of the public if released from custody, may be held pending a hearing on any charges or complaints filed in the Municipal Court to determine the disposition thereof.

Any violation of this Section shall be punishable pursuant to the provisions of this Section, except that the minimum fine for violation of any provision of this Section shall be $250. Upon conviction, the Court may order that the animal be humanely euthanized and direct the Public Works Director, or his or her designee, to insure that the order is enforced.

Upon conviction of keeping a dangerous animal, the Municipal Court Judge may order restitution be paid to the victim of the violation of Dangerous Animal Section ~~(1) or (2).~~

Upon conviction of keeping a dangerous animal, and the animal returning to its owner, the animal shall be kept subject to the following standards:

VIOLATION OF REQUIREMENTS FOR DANGEROUS DOG

It shall be unlawful for any person to violate the provisions of this Article. Any person found guilty of violating the provisions of this Article shall be assessed, fined, and the animal disposed of, as provided below:

At-Large/Registration. Any dangerous dog that is not confined or registered as required pursuant to this Article shall be impounded by an animal control officer or a law enforcement officer. In addition to all costs for impoundment, the owner or keeper shall pay a Two Hundred Fifty Dollar ($250.00) fine. For a second offense within twenty-four (24) months, in which the dog is not confined or registered as required pursuant to this Section, in addition to all costs for impoundment, the owner or keeper shall pay a Five Hundred ($500.00) fine and the animal control officer or law enforcement officer is empowered to impound the dog, and after the expiration of a five (5) day waiting period, exclusive of Sundays and holidays, shall order said dog removed from the City of El Dorado. ~~The judge shall have no authority to suspend the fine or any portion thereof.~~

Attack on Human. If any dangerous dog shall attack, assault, wound, bite, or otherwise injure or kill, or assist in such injury or killing, a human being, the owner or keeper, in addition to other possible penalties, shall pay a Five Hundred Dollar ($500.00) fine and the animal control officer or law enforcement officer is empowered to impound the dog, and after the expiration of a ten (10) day waiting period, exclusive of Sundays and holidays, shall order the dog removed from the City of El Dorado, or destroy said dog. ~~The judge shall have no authority to suspend the fine or any portion thereof.~~

Attack on other animal. If any dangerous dog shall kill or wound, or assist in killing or wounding, any domestically owned animal while off the owner or keeper's property, the owner or keeper shall pay a Two Hundred Fifty Dollar ($250.00) fine. For a second offense within twenty-four (24) months, in which the same dog is involved in attack on another animal while off the owner or keepers property as required pursuant to this Section, in addition to all costs for impoundment, the owner or keeper shall pay a Five Hundred ($500.00) fine and the animal control officer or law enforcement officer is empowered to impound the dog, and after the expiration of a ten (10) day waiting period, exclusive of Sundays and holidays, shall order said dog removed from the City of El Dorado, or destroy said dog. ~~The judge shall have no authority to suspend the fine or any portion thereof.~~

If the owner or keeper of a dog impounded pursuant to this Section shall believe that there shall not have been a violation of the provisions of this Section, such owner may petition the Municipal Court, on forms approved by the Municipal Judge, requesting that the impounded dog not be destroyed. The impounded dog shall not be destroyed pending the resolution of such owner's petition if the petition shall have been filed within five (5) days of impoundment of such dog and notice shall be have been delivered within five (5) days of the impoundment of such dog to the City of El Dorado Animal Shelter. The dog shall remain impounded pending the determination of the petition. If the court shall find that there shall not have been a violation, such dog shall be released to the custody of the owner upon the payment of the expenses by the owner or keeper.

All regulations shall be explained to the owner of the dangerous animal, a copy of which shall be given to and signed for by the owner, keeper or harborer.

In addition to the fines provided in this Section, the Municipal Judge shall have the authority to sentence the person adjudicated guilty of this Article to serve up to a maximum of six (6) months in jail.

Upon conviction of keeping a dangerous animal, and the animal returning to its owner, the animal shall be kept subject to the following standards:

Registration and Reporting: The owner or keeper of a dangerous dog shall properly license the dog pursuant to section 6.12.010 of this code, and pursuant to the provisions set forth in this subsection. In addition to having, or obtaining, the license required by section 6.12.010, an owner or keeper of a dangerous dog shall submit a completed application for a dangerous dog license to the City Clerk or his/her designee, on or before (TO BE ADDED LATER), or within five business (5) days of the date upon which the dog would be deemed to be dangerous under the provisions of this section, if such occurs after (TO BE ADDED LATER). The application for a dangerous dog license shall be submitted on forms provided by the city clerk, and to be considered a completed application it shall be accompanied by all documents and other information required hereunder. Upon issuance, the dangerous dog license shall be effective for one (1) year from the date of issuance, or for the duration of the liability insurance required by this section, whichever is shorter, and shall be reapplied for prior to its expiration. Such dangerous dog license shall not be transferable, and shall expire whenever changes occur that would make the owner or keeper ineligible to obtain a license. The owner or keeper of the dangerous dog shall pay a $50.00 annual registration fee for each dangerous dog, and such fee shall be submitted with the application for a dangerous dog license. No dog shall be considered to be unlicensed under the terms of this subsection, if the owner or keeper has timely filed a completed application, until such application has been denied. The owner or keeper of the dangerous dog shall maintain with the city clerk or his/her designee the address where the dangerous dog is primarily kept or harbored. The owner or keeper shall notify the city clerk or his/her designee within five (5) business days if any of the following occurs:

(a) A change in the primary address where the dangerous dog is kept or harbored, whether in or out of the city limits; or,
(b) A change in the person who is owning, keeping or harboring the dangerous dog; or,
(c) The death of the dangerous dog; or,
(d) Any change in the information supplied in the application for the dangerous dog license, or in the information submitted along with such application; or,
(e) Harbor, keep or maintain a dangerous dog on property not owned by the person without the written consent of the land owner

Leash and Muzzle. No person shall permit a dangerous animal to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a dangerous animal to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate object such as trees, posts, buildings, etc. in addition, all dangerous animals on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such animal from biting persons or other animals.

Confinement. All dangerous animals shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine dangerous animals must be locked with a key or combination lock. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house dangerous animals must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

Confinement Indoors. No dangerous animal may be kept on a porch, patio or in a part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows or screen doors are the only obstacle preventing the animal from exiting the structure.

Signs. All owners, keepers or harborers of dangerous animals within the City shall within 10 days of conviction, display in a prominent place on their premises a signs easily readable by the public using the words Beware of Dog or Beware of Dangerous Animal, whichever is applicable.

Insurance. All owners, keepers or harborers of dangerous animals must within 10 days of conviction provide proof to the City Clerk or his/her designee, of public liability insurance in a single incident amount of $1,000,000 for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. The insurance policy will provide that no cancellation or changes of the policy will be made unless 10 days written notice is first given to the El Dorado Animal Shelter.

Identification Photographs. All owners, keepers or harborers of dangerous animals must within 10 days of conviction provide to the City Clerk or his/her designee, two (2) color photographs of the registered animal clearly showing the color and approximate size of the animal.

Microchip. All owners, keepers or harborers of dangerous animals must within 10 days of conviction microchip the animal and provide microchip information to the City Clerk or his/her designee, to register the animal as dangerous.

Spaying/Neutering. All owners, keepers or harborers of dangerous animals must within 10 days of conviction spay or neuter the animal and provide proof of sterilization to the City Clerk or his/her designee.

Sale or Transfer of Ownership Prohibited. Sale - No person shall sell, barter or in any other way dispose of a dangerous animal registered with the City to any person within the City unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such animal; provided that the registered owner of a dangerous animal may sell or otherwise dispose of a registered dog or the offspring or such dog to persons who do not reside within the City.

Failure to Comply: It shall be unlawful for the owner or keeper of a dangerous animal to fail to comply with the keeping requirements and conditions set forth in this Article. Any animal found to be the subject of a violation of this Article shall be subject to immediate seizure and impoundment. In addition, failure to comply with the provisions of this Article is deemed a separate offense. Upon conviction, the Court shall order the revocation of the license of such animal resulting in the immediate removal of the animal from the City of El Dorado. In addition to the foregoing penalties, any person who violates this Article shall pay all expenses, including shelter, food, handling veterinary care and testimony necessitated by the enforcement of this Article.

Restrictions on the ownership of Staffordshire Terriers and mix breeds thereof.

All adult pit bulls within the City of El Dorado are required to have an identification microchip implanted in the dog traceable to the current owner and registered with the City of El Dorado. Such microchip information shall be included in the dog's annual license application with the City of El Dorado. The owner, keeper or harborer shall pay all costs associated with the microchip procedure.

~~The provisions of this section shall also apply to the following: a service dog to accommodate an individual with a disability recognized by the Americans with Disabilities Act. No person shall own more than two Pit Bull or mixes thereof service dogs.~~

It shall be unlawful for any person to own, keep or harbor more than two Pit Bulls.

It shall be unlawful for more than two adult Pit Bulls, to be owned, kept, or harbored on the same premises or dwelling.

Any person, who owns a Pit Bull, shall have sixty days (60) thereafter the final adoption of this ordinance, to microchip and surgically sterilize such animal. Sterilization of the Pit Bull shall not be required upon certification, presented to the City Clerk or his or her designee, by a licensed veterinarian that such sterilization would be injurious to such dog due to its health or age.

The owner, keeper or harborer of any Pit Bull dog shall provide documentation of the sterilization upon completion to the City Clerk or his or her designee.

Any owner, keeper or harborer failing to provide documentation of the sterilization procedure as required by this section shall be deemed guilty of a misdemeanor.

Any individual who fails to comply with the requirements of this section shall be guilty of a misdemeanor.

Keeping of a Pit Bull

It is unlawful for an owner or keeper of a Pit Bull dog to permit the dog to be outside an approved or secure enclosure unless the dog is restrained by a substantial chain or leash and under physical restraint by a responsible person who is at least 18 years of age or older and possesses sufficient strength for physical control of the animal. The same above requirements shall also be in effect for the purpose of transportation to and from a veterinarian for medical treatment. In all such events, the Pit Bull dog shall be securely muzzled and restrained with a chain or leash not exceeding four feet in length, and shall be under the direct control and supervision of the owner or keeper of the Pit Bull dog. The muzzle shall be made and used in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

Pit Bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided above. All structures used to confine a Pit Bull dog must be locked with a key or combination type lock. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than eighteen (18) inches. All structures erected to house Pit Bull dogs must comply with all zoning and building regulations of the City of El Dorado. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

The owner, keeper or harborer shall allow the access to the property where the Pit Bull dog is being harbored to facilitate inspections and insure compliance for the duration of the life of the animal.

It is unlawful for anyone having prior felony convictions defined in articles 34, 35, 36, and 43 of Chapter 21, and article 41 of Chapter 65 of the Kansas Statutes Annotated to possess, harbor, own or reside on any premises with a Pit Bull dog.

It shall be unlawful for any person to:

Harbor, keep or maintain a Pit Bull dog on property not owned by the person without the written consent of the land owner; or

Sell, barter or give away to another person a Pit Bull dog; or

Own, keep or harbor more than two Pit Bull dogs.

Should a Pit Bull dog be found running at large in violation of this section attack or inflict injury upon any person, the Judge of the Municipal Court shall, in addition to any other penalty provided in section, order the dog destroyed. Provided, however, the Judge of the Municipal Court may, at his or her discretion, consider whether the attack or injury was sustained by a person who, at the time, was committing a criminal trespass or other tort upon the premises of the owner of the dog, or was tormenting, abusing, or assaulting the dog, or has, in the past, been observed or reported to have tormented, aroused, or assaulted the dog or was committing or attempting to commit a crime.

EL DORADO CITY COMMISSION MEETING March 3, 2014

The El Dorado City Commission met in a regular session on March 3, 2014 at 7:00 pm in the Commission Room with the following present: Mayor Michael Fagg, Commissioner Chase Locke, Commissioner Bill Young, Commissioner Nick Badwey, Commissioner David Chapin, City Manager Herb Llewellyn, City Attorney Jim Murfin, Assistant City Engineer Scott Rickard, and City Clerk Tabitha Sharp.

VISITORS

Judith Storandt	105 Race	El Dorado, KS
Bob Hendricks	American Legion	El Dorado, KS
Jason Hughey	220 E 1st	El Dorado, KS
Jason Reiswig	220 E 1st	El Dorado, KS
Steve Moody	220 E 1st	El Dorado, KS
Suzie Locke	220 E 1st	El Dorado, KS
Kevin Wishart	220 E 1st	El Dorado, KS
Tony Yaghijan	220 E 1st	El Dorado, KS
James Cook	719 Fredrick Dr	El Dorado, KS
Julie Clements	El Dorado Times	El Dorado, KS
Ryan Murry	1830 Quail Run	El Dorado, KS
Eugene Herrmann	405 School Rd	El Dorado, KS

CALL TO ORDER

Mayor Michael A. Fagg called the March 3, 2014 meeting to order.

INVOCATION

Mayor Michael Fagg opened the meeting with an invocation.

PLEDGE OF ALLEGIANCE

Bob Hendricks led the pledge of allegiance.

PUBLIC COMMENT

Mayor Michael Fagg opened the floor for public comments.

Judith Storandt, 105 Race St, stated that she supports the Community Market and would like for the City Commission to seriously consider the project.

Bob Hendricks, 1801 W Central, Commander of the American Legion requested the reimbursement for the resurfacing of the parking lot. He stated per the lease agreement, the City of El Dorado would pay for maintenance including driving and parking surfaces.

Mr. Hendricks stated that he was unaware of the terms of the lease and the work has already been done.

City Manager Herb Llewellyn stated that his assistant sent the call to the Parks Department who is in charge of the Legion. The Parks Director was unable to reach Mr. Hendricks. He stated that in his absence last week, the Public Works Director called him.

Mayor Michael Fagg asked if the City owns the lease on the parking lot.

City Manager Llewellyn stated that the City leases everything that is taxable.

Mayor Fagg asked what they should do from here.

City Manager Llewellyn stated that staff will be happy to review the information.

Commissioner Nick Badwey asked how much the invoice was for.

City Manager Llewellyn stated it was for $67,208.

Commissioner Chase Locke confirmed that no contact was made to the City prior to the repair of the parking lot.

City Manager Llewellyn and Mr. Hendricks confirmed that there was not.

CONSENT AGENDA

Approval of the City Commission minutes from February 17, 2014.

Approval of Appropriation Ordinance 02-14 in the amount of $1,630,553.25.

Mayor Michael Fagg stated he would like to have a conversation on the ICMA costs.

Mayor Fagg asked what was on the beginning of the appropriation report.

City Clerk Tabitha Sharp stated that it was the listing of each individual check written by the City.

Mayor Fagg stated he would like to see how this relates to the budget. He asked why money was not transferred into the capital accounts. He stated that he did not know how the City did with the 2013 budget.

City Manager Herb Llewellyn stated that staff perform that duty, it does not go through Commission. The money transferred is money that is approved to be spent by the City Commission during the budget process. He also stated that the quarterly report provides information in regards to how the City is following the budget.

Mayor Fagg stated that the County Commission transferred the money into the capital accounts according to their agenda.

City Manager Llewellyn stated that the County is a different form of government, and their Commission approves each individual check.

Mayor Fagg stated that the quarterly reports do not tell him anything. He stated he would like to know how they matched up with budget the year before and in 2013.

City Manager Llewellyn stated that the information is given out in the budget book each year.

Mayor Fagg asked if it was in the current book.

Tammy Schaffer, Finance Director, stated that it would be in the budget book prepared for 2015 which is delivered by August 25th.

Mayor Fagg asked how they are supposed to know anything about the budget if they do not see it until August.

City Manager Llewellyn stated that the information is provided prior to the budget process.

Mayor Fagg stated that it was March and he hadn't seen anything yet.

Commissioner Bill Young clarified that the budget process begins in the spring.

Mayor Fagg stated that he was the only one on the Commission concerned about it, so they could move on.

Commissioner Young stated that the Mayor's statement was disingenuous. He stated if he has questions regarding the reports given, he asks staff and they answer them.

Ms. Schaffer stated that staff begin working on the budget in December of the previous year.

City Manager Llewellyn stated that he could show all of the times they have discussed the budget in his Manager's report.

Mayor Fagg requested that the City Manager show him where he has discussed the 2013 budget in the Manager’s reports.

City Manager Llewellyn stated that he could provide that. He also stated that the first item on the agenda this evening was for the 2015 budget. He stated that it was March. He also stated that the Commission would hear about how the City did last year.

Mayor Fagg stated he felt like there was more they could do to be accountable.

Commissioner David Chapin asked what the numbers from last year would say. He stated that they would only give revenues and expenses.

Mayor Fagg stated that they could use those numbers to prepare for 2014.

Commissioner Chapin stated that they do that already during the budget process.

City Manager Llewellyn stated that we follow State law by publishing quarterly.

Mayor Fagg asked if it gives a format.

City Manager Llewellyn stated that he would have to check.

Mayor Fagg stated that he does not like the current format.

Commissioner Chase Locke stated that he felt he had a good understanding of where the City was from the weekly reports. He stated that if the Mayor wanted a different format, maybe he could work with staff to find a report that he understands.

Commissioner Young stated that this work needed to be decided on by the whole Commission so that staff are not wasting time on several different reports.

Mayor Fagg asked if he could see the whole report to see if there was more information.

Commissioner Chapin asked if it would be difficult to provide.

Ms. Sharp stated that it was up to the Commission.

Commissioner Bill Young moved to approve the consent agenda as presented.

Commissioner Nick Badwey seconded the motion.

Motion carried 5 – 0.

SALES TAX ADVISORY COMMITTEE RECOMMENDATION

Ryan Murry, 1830 Quail Run, Chairman of the Sales Tax Committee stated that the total sales tax collections for 2013 were $2,369,316.03. He stated that after amounts are deducted for the ordinance requirements in addition to the additional property tax reduction of 3.49 mills allowed by the Commission, approximately $90,000 is left. He stated that with the balance in the fund, there was approximately $200,000 for allocation this year.

Mr. Murry stated that the sales tax committee decided to keep one mill in the fund for a cushion. He stated that it left $120,000 in the fund for allocation. He stated that the committee is recommending that the Community Market be funded for $50,000, the Fire Station Training Facility for $42,465 and Summit Park resurfacing be awarded half of the $60,000 request.

Commissioner Nick Badwey asked if only half of the play area could be surfaced.

City Manager Herb Llewellyn stated that staff would have to find the other half.

Commissioner Chase Locke stated that he would like to hear more about the Community Market.

City Manager Llewellyn stated that over the years, the Commission has requested that staff look into providing a space for a farmer's market. He stated that recently the home lumber building has become available. He stated that this building has increased the abilities of the building, which brought forward the idea of a community market that is available for more than just the farmer's market.

Commissioner Locke stated that he understood that this location could provide more possibilities and he had heard good things about this idea.

Commissioner Locke asked if the Fire Station Training Facility was a joint project.

Mr. Murry stated that the college is only requesting the surface for the facility.

Commissioner Bill Young confirmed that Summit Park was the only handicapped accessible park surface in the City. He stated that the surface has begun to separate and makes it difficult to operate wheel chairs on the surface.

Commissioner Young asked if this would have to be done every nine years.

City Manager Llewellyn stated that this would be part of the Parks and Recreation master plan and when it is done again, it will be a poured in place surface which should have a longer life.

Commissioner Young stated he wanted the City to plan for the future and plan for maintenance in the future.

City Manager Llewellyn stated his view of the future was that it would be maintenance driven and not a sales tax project.

Commissioner Young stated he supported the Community Market and saw the Fire Station as a good partnership opportunity.

Mayor Michael Fagg thanked Mr. Murry for his service on the committee. He asked if he knew where the $50,000 was spent for economic development.

Mr. Murry stated that it was part of the ordinance so the committee did not have control over that.

City Manager Llewellyn stated that an example of how that money is spent is the incentives for BG Products.

Mayor Fagg asked why the sales tax committee was spending more on property tax reduction.

Mr. Murry stated that the 3.49 mills differed depending upon the mill levy.

Ms. Schaffer stated that it ranged from $79,000 to $80,000 typically.

City Manager Llewellyn stated that this policy was not new, that it began when the Mayor was on the Commission before.

Mayor Fagg stated that the excess sales tax was not ear marked for city government expenditures.

City Manager Llewellyn stated that the Mayor was a part of the Commission that voted to allow the 3.49 mills in additional property tax reduction. He stated that the policy has not changed, the mill levy changes yearly though.

City Manager Llewellyn stated that when they lowered the mill levy by allowing the additional property tax reduction, they tied the hands of the sales tax committee to keep it.

Mayor Fagg stated that the extra was not made part of the law.

City Manager Llewellyn stated he was correct, but the only way to fix it was to decrease services or increase the mill levy.

Mayor Fagg asked who was going to buy the building.

City Manager Llewellyn stated the City was.

Mayor Fagg confirmed that we would be taking on all of the costs associated with the building.

Suzie Locke, Activities, Sales and Services Manager stated that the current property tax amount is $1,037.18 for the building, she stated that of that the City of El Dorado gets $532.78. She stated that the city also receives $231.49 in stormwater fees. It is predicted that with the community market, the City would receive about $1900 in displaced sales tax, $200 in new sales tax, $2,500 in member's fees and about $500 in special event registrations.

Ms. Locke stated that staff understand that by taking it off the tax rolls it will affect others. The State of Kansas will go from receiving $16 in property tax to $11,000 in sales tax. USD 490 would lose the $71 in property tax, but the market would serve approximately 56% of their population on free and reduced lunch. This would give those children access to fresh produce throughout the times when meals are not provided by the schools. She stated that the County would receive $500 in sales tax as opposed to $400 in property tax.

Ms. Locke stated that the college is the only entity without a measurable impact. She stated that they will be able to use the facility through their culinary and agricultural departments.

Mayor Fagg questioned how the CVB money would be used to promote this.

Ms. Locke stated that this is an excellent opportunity to bring people to the City of El Dorado. She stated that this will keep vendors in our community that currently go to Wichita to sell.

Mayor Fagg asked why the City has to do this when a 501C3 group could do it.

Ms. Locke stated that this building will put back into the sales tax program that they are requesting money from. Therefore when money is needed in the future, they will have built the fund through their contributions.

Mayor Fagg asked if this would be tied to the summer program at Walnut Valley Packing.

Ms. Locke stated that no decisions have been made regarding who will be involved because there has been no space. She stated that several groups are involved in bringing this to fruition.

Commissioner Locke stated that the young leaders in El Dorado are excited about this plan.

Ms. Locke stated that she could also read four of the objectives from the City's Comprehensive Plan that this project will help meet.

Mayor Fagg asked if the City would make money off of it.

Ms. Locke stated that this will help grow a community space that is unique to the area.

Mayor Fagg stated that he was part of the discussion on the Civic Center when it was built, and it has not performed as they said it would.

City Manager Llewellyn stated the problem with the Civic Center is that there was no group in place to manage and market it. That has just come together in the last year.

Ms. Locke stated that in just six months of marketing the Civic Center, they increased the income by $20,000.

Mayor Fagg compared not having a plan for the Community Market to what the City Manager stated was the issue with the Civic Center. He stated that the same problem was going to happen.

City Manager Llewellyn clarified that now there is a marketing manager, so the community market will not have the same issue.

Commissioner Locke stated that this is a wonderful quality of life addition to the community.

Mayor Fagg asked if the City owns the Numana Building.

City Manager Llewellyn stated that the City Commission sold it for a dollar.

Mayor Fagg stated that it could have been used for this purpose.

Commissioner Locke stated that it was different. This building's location makes it more attractive to the farmer's market and others interested in the community market. He stated that it is easier for kids to get to.

Ms. Locke stated that this location is walkable from Skelly school where 77% of the children are on free and reduced lunch.

Mayor Fagg stated it was the school's responsibility to help them.

Ms. Locke stated that this building is about more than a farmer's market and more than just helping children who need the assistance.

Mayor Fagg asked why the county building could not be used for that.

Ms. Locke stated that the city does not own the county building and therefore cannot decide what is in it.

Mayor Fagg stated that the City should discuss a collaboration with the County.

Ms. Locke stated that there is not a person like her at the County to provide this service.

Commissioner Locke asked if there was something that the Mayor was in favor of in place of this project.

Mayor Fagg stated that he does not, he felt that we cannot continue to develop new projects or we will eventually run out of money as we become responsible for a dying project.

Commissioner Locke stated that he did not like saying that every project dies, he felt that this project has the opportunity to be successful.

Mayor Fagg stated that CVB money should be used to help the hotels.

Ms. Locke stated that it would drive traffic to our community which will increase traffic at our hotels.

Mayor Fagg asked if the hotels agreed that this will bring business.

Ms. Locke stated that she has not gone to the individual hotels, but the information has been provided in weekly e-mails and she hoped that they would have said something if they did not agree with the project.

Ms. Locke also pointed out that the purpose of CVB money was not to help hotels, it was to promote travel and tourism per State Statute.

Mayor Fagg stated he did not want the City to buy another building.

Mayor Fagg asked what the two dissenting votes on the committee were in favor of.

Mr. Murry stated they were in support of Towanda Avenue improvements.

Mayor Fagg asked if Mr. Lagrisse was on a committee.

Ms. Locke stated that he is part of the current farmer's market, many of them were at the public hearing for the sales tax committee.

Mayor Fagg pointed out that Mr. Engler was concerned that there was not a plan.

Ms. Locke stated that Mr. Engler was in support of the building, he just wanted to talk more about the plan.

City Manager Llewellyn stated that the City has not set rules for a community market because they do not have a building and are not knowledgeable about the stake holders.

Ms. Locke stated that there are other groups that have a financial investment in the program.

Mayor Fagg asked why it couldn't be discussed with the County to use the current building.

Ms. Locke pointed out again that the City does not have ownership of that building.

Commissioner Locke stated that in the proposed facility, people will be able to pull in and sell from their vehicles.

Commissioner David Chapin asked if this would take some of the vendors off of Central and Main.

City Manager Llewellyn stated that some of that will still be seen.

Mayor Michael Fagg asked how the grocery stores would feel about the farmer’s market.

Ms. Locke stated that there is already a farmer’s market competing with the grocery stores.

Mayor Fagg stated that the City is not involved in the current market.

Ms. Locke stated the City supports it with the way finding signs.

Commissioner Chapin asked if the building will be used during other times.

Ms. Locke stated that they hope to use it for an additional civic space and also as a space for a winter market, flea market, antique show, movie night and many other ideas.

Ms. Locke stated that it is a qualifying historic building and this is an opportunity to preserve that building.

Commissioner Locke stated there were many diverse groups supporting this and trying to make it a successful venture.

Commissioner Young stated that this has been a discussion amongst the Commission for at least the last two years. He stated that there is a large community in the area that would like to be able to take advantage of the fresh produce.

Mayor Fagg asked if the Kansas Turnpike was in the City of El Dorado.

Scott Rickard, Assistant City Engineer, stated that the property just on the West side of Boyer is in the City limits.

Mayor Fagg stated that he wanted to point out that the KTA is in the City limits but Mr. Kropf is not, so he cannot be assessed.

Mayor Fagg stated that it stated in the minutes that the Township pledged $40,000. He asked where that number came from because he came up with $116,000 for the project.

City Manager Llewellyn stated that for a 4 inch overlay the number was approximately $80,000 and that the Township said they would pay half of that cost.

Scott Rickard, Assistant City Engineer, confirmed that he was correct.

Mayor Fagg stated he wanted to again clarify that Mr. Kropf and the KTA could not be treated the same.

City Manager Llewellyn stated that he was aware of that, he stated that the Mayor was the one that keeps linking the two.

Mayor Fagg asked if the City Manager knew what was in the minutes.

City Manager Llewellyn stated he did, he was at the meeting. He clarified again that the Mayor is the one that continues to link the Boyer project and the Towanda Avenue project. He stated that the Mayor has been promoting Fred not paying or paying less.

Mayor Fagg stated that the Township is paying his.

City Manager Llewellyn stated that they are paying half of the project, not Mr. Kropf's portion.

Mayor Fagg wanted to clarify that Mr. Kropf was not the same as the KTA.

City Manager Llewellyn stated that he was doing what the Mayor asked of him when he discussed that project. He asked the Mayor to read the whole section of the minutes from the sales tax minutes.

Discussion ensued about the 6th and Boyer project.

Commissioner Chapin stated he appreciated the time and effort Mr. Murry put into the committee.

The other Commissioners also thanked Mr. Murry and the Committee.

Mayor Fagg stated he was worried if they kept spending money from this fund, they would run out.

Commissioner Chapin stated that the money would not run out. He stated that each year they allocate the previous year's collections.

Mr. Murry pointed out that the reason the committee elects to leave a mill in the fund is in the case that collections are lower than anticipated.

Commissioner Chapin asked how many other cities have a farmer’s market that is supported by the City.

Ms. Locke stated she did not know a number, she gave an example of the City of Marion who uses their market for a purpose similar to the one proposed.

Commissioner Chapin stated that Great Bend also had one that is publicly owned.

Mayor Fagg stated that he felt the County should work with us to develop this out of their building.

Commissioner Bill Young moved to open the public hearing.

Commissioner Chase Locke seconded the motion.

Motion carried 5 – 0.

Mayor Michael Fagg opened the public hearing.

There were no further comments.

Mayor Fagg closed the hearing.

Commissioner Nick Badwey moved to accept for consideration the Sales Tax Advisory Committee’s recommendations on the use of uncommitted sales tax for 2013.

Commissioner Bill Young seconded the motion.

Motion carried 5 – 0.

PROJECT NO. 295 PAVING TOWANDA (FREDRICK TO EDGEMOOR)

Scott Rickard, Assistant City Engineer, stated that they are considering setting the public hearing for the paving of Towanda from Fredrick to Edgemoor. He stated that the public hearing would be held on April 7th. He stated the property owners would have twenty days after that date to protest the project.

Mayor Michael Fagg asked if the number has been set for each property.

Mr. Rickard stated that it is an estimate. The City goes above and beyond the statute and sends letters to each individual explaining the assessment. The assessment will not go above what has been estimated unless they determine that they want a larger driveway.

Mayor Fagg asked if he understood what was being asked for on Boyer.

Mr. Rickard stated he wanted a line by line cost breakdown.

Mayor Fagg stated that he wanted a breakdown of the costs of bridges, roads and stormwater and where all of that came from.

Mr. Rickard stated that he had examples of multiple projects. He stated that 6th and Boyer followed the improvement district policy.

Mayor Fagg asked if federal monies were given for this project.

Mr. Rickard stated that they received $750,000 for the City-at-large portion. He stated that the City also received a grant for the paving of 6th North of Oil Hill, and that money was also applied to the City-at-large portion.

Mayor Fagg stated that there are two bridges involved in the Boyer project. He stated that the costs on the Towanda Avenue project are more event though there are not any bridges.

Mr. Rickard stated that the 6th and Boyer project was much larger and so the costs were spread further. He stated that School Road was a project similar to Towanda Avenue. Mr. Rickard stated that the cost of the entire project is divided by the area and then a cost is assessed per square foot.

Mayor Fagg asked if the costs changed when the adjustment was made for the park.

Mr. Rickard stated that by reducing the project to within the City limits, it actually made the assessments smaller.

Mayor Fagg asked if the numbers are set before the public meeting.

Mr. Rickard stated that the costs go down typically at the end of the project when all of the numbers have been received.

Commissioner Young confirmed that during the public meeting, the citizens will be given a not to exceed number.

Mr. Rickard stated that staff always tell citizens that the Commission's desire is not to exceed the original estimate unless the citizens requests a change.

Commissioner David Chapin asked if any of the Boyer project estimates went down.

Mr. Rickard stated that they all did.

Mayor Fagg confirmed that staff are considering doing this project and then will talk about doing west of the bridge.

Mr. Rickard stated he was correct.

Mayor Fagg stated he felt that they should do the second part as soon as they could so that the Township did not change their mind.

Commissioner Chapin asked if the Mayor was talking to them.

Mayor Fagg stated he was talking to them.

Commissioner Chapin asked if that was why they would change their mind.

Mayor Fagg stated he felt that if they were willing to do it now, the City should not wait.

Commissioner Chapin stated that they could work on part two after they are sure that part one will pass. He stated that it will be more expensive to do the overlay without the first half.

Mayor Fagg asked why they wouldn't do it all at once.

Commissioner Chapin explained that they needed the citizens' approval to move ahead with the project in the city limits first. It was part of the procedure.

Mayor Fagg asked what procedure and stated he would like to see it in writing.

Mr. Rickard stated that it was in the policy book that he has.

Commissioner Nick Badwey moved that Resolution No. 2730**,** 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/project no. 295).

Commissioner Chase Locke seconded the motion.

Motion carried 5-0.

PURCHASE OF NEW GOLF CARTS

Jason Hughey, General Manager Prairie Trails Golf and Dining, stated he was present to discuss purchasing new golf carts. He stated that they have had to repair 13 of the current fleet due to failed batteries. He stated that the purchase is in the 2015 budget, but staff fear that they will fail before then.

Mr. Hughey stated the cart warranty expires in June and it will begin costing the City money to fix the carts.

Mr. Hughey stated the advisory board has requested sixty carts on a four year lease option.

Commissioner Nick Badwey asked how many tournaments happen where we have to rent extra carts.

Mr. Hughey stated that there are four, but the cost is paid for entirely by the tournament.

Commissioner Chase Locke asked how many more carts this would give.

Mr. Hughey stated it would give five extra carts.

City Manager Herb Llewellyn stated that it did not make sense to actually purchase the 15-20 extra carts needed for the larger tournaments.

Mr. Hughey stated that all 55 carts were only out for regular daily play about half a dozen times.

Commissioner David Chapin asked what the life of a cart was.

Mr. Hughey stated that they are on a four year plan. He stated that usage, maintenance and upkeep all make a difference. He stated that most golf courses have to trade carts out every four years.

City Manager Llewellyn stated that Jason Reiswig, Golf Course Superintendent, was also here to talk about managing the fleet.

Mr. Reiswig stated as play increases the batteries will have to be replaced. He stated that there are six batteries per cart at $111 per battery.

Commissioner Locke stated he has talked to some people and they have been on carts that have died. He asked what the benefit is for purchasing all of the carts at the same time.

Mr. Hughey stated that if they get them all at once, they will renew the warranty on all of the carts.

Commissioner Locke asked if they could trade in only half of the carts.

Mr. Hughey stated that it would affect the trade in value when they wanted to replace the fleet.

City Manager Llewellyn clarified Commissioner Locke's question. He stated that it is about a regular cycle. He stated it would be a bad reflection on the City to send people out in bad carts.

Commissioner Locke asked if we would sell the current fleet.

City Manager Llewellyn stated he would try to sell as many as he could and trade in the rest. He stated that selling them would affect the price that we were given because it included the trade in.

Commissioner Locke stated he felt that it was the Commission's responsibility to continue to care for the golf course since it had been purchased.

Commissioner Bill Young stated that according to the table provided on the agenda, his preference would be to go with a lease option. He stated it's a piece of equipment that has to be refreshed every four years. He asked what kind of deal was given on the lease.

City Manager Llewellyn stated the payment will be in arrears. He stated that the first payment would be in 2015.

City Manager Llewellyn stated that the City would bid the lease purchase and so the interest rate would not be as high.

Commissioner Badwey asked what the advantage was to leasing over buying.

City Manager Llewellyn stated that it would be one check for $160,000 to buy and four checks for $40,000 to lease. He stated by purchasing out right they save the interest. However, if you purchase you have to come up with $160,000 every four years instead of budgeting the smaller amount every year.

Commissioner Young stated it did reflect badly on the City to have bad carts out. He said that these carts are used much more than personal carts and needed to be maintained.

Commissioner Young stated that he did not want the grounds crew focusing on cart maintenance when they need to be on the golf course. He stated he was in favor of the lease.

Commissioner Chapin asked if there were twenty unusable carts this currently.

Mr. Hughey stated that they are all in service after the repairs.

Commissioner Chapin asked what would happen if they did twenty carts each year.

Commissioner Young stated it would be the same payment.

Commissioner Badwey stated it would be difficult to predict which carts needed to be replaced.

Commissioner Badwey asked what the delivery date would be.

Mr. Hughey stated it was May.

Mayor Michael Fagg stated that this is why he wanted to see the golf course revenue and expense report. He also wanted to see a usage report without the tournaments.

Mr. Hughey stated it is hard to predict, it can be anywhere from half to all of the fleet out on any given day.

Mayor Fagg stated in the City of Wichita they have 11 tournaments scheduled.

Commissioner Badwey asked how many are scheduled at Prairie Trails.

Mr. Hughey stated there were 24.

Mayor Fagg asked if those tournaments were costing us money.

Mr. Hughey stated that the tournaments make money for the golf course.

Mayor Fagg stated that it would only be $35,000 to purchase batteries. He stated that he thought they should replace the batteries and continue to maintain the carts as long as possible, like he has done with his personal cart.

Commissioner Young stated a personal cart cannot be compared to these carts because the use is not the same.

Mayor Fagg asked if they were in the budget, because this is the first he has heard about needing carts.

City Manager Llewellyn stated that this has been discussed in previous years, but that they were not failing and so it was decided to postpone the purchase. He stated that the staff are working on providing the revenue and expense reports requested by the Mayor for the next meeting.

Commissioner Locke asked if they could decide at the next meeting so they could look at Commissioner Chapin's suggestion.

Mr. Hughey stated that if they do it that way, there will be 35 carts not under warranty that will cost more to fix.

Commissioner Young reminded them that the cost is the same no matter how many they lease at a time. He stated if the least option is done, then it becomes a budgeted item every year and all repairs are covered.

Mayor Fagg stated the golf carts look nice. He still felt they could be maintained for longer. He stated that leasing was $22,000 more than a purchase. He also asked what kind of warranty work had been done on carts.

Mr. Reiswig stated that there had been battery work, front end work, charger repair, windshield replacement and other things.

Mayor Fagg stated that it was caused by recklessness.

Mr. Reiswig stated that not necessarily, he stated that some items just go bad.

Mayor Fagg stated he thought we could continue to replace batteries like he had in his cart and they would be ok.

Commissioner Young stated that there was not 9,000 hours on his personal cart.

Commissioners Locke and Young supported a lease for 55 carts.

Mayor Fagg asked where the money would come from.

City Manager Llewellyn stated it would come from the general fund.

Commissioner Nick Badwey moved that the lease agreement for a four-year lease option for fifty-five new golf carts be approved.

Commissioner Bill Young seconded the motion.

Commissioner Chapin confirmed with the lease there is a four year warranty and the same on the purchase.

Mr. Hughey stated he was correct.

Commissioner Chapin asked why they wanted to lease.

City Manager Llewellyn stated that it was a regular payment.

Commissioner Chapin confirmed that the interest would not be $22,000 if bid through a bank.

Commissioner Young confirmed that it would be lower if we bid through a local bank.

Commissioner Badwey amended the motion to purchase the carts instead of leasing them.

Commissioner Chase Locke seconded the motion.

Commissioner Locke confirmed they would try and sell some of the carts.

Mr. Hughey stated that they would.

Mayor Fagg stated he would still like to see them replace the batteries. He also stated that they could have used the money from the driving range for this or the money from the cart paths.

Commissioner Young stated the new cart paths would improve the longevity of the carts.

City Manager Llewellyn stated that the cart paths will also increase playing time.

Motion carried 4 – 1 (Mayor Fagg opposed).

NEW BUSINESS

Commissioner Chase Locke stated he has had a few questions regarding the recycling carts.

City Manager Llewellyn stated that the new recycling carts will be delivered at the end of March, they will be bright blue. He stated that glass will no longer be able to be recycled. He stated that recyclables will be put in loose instead of in bags.

City Manager Llewellyn stated that when the City started selling the co-mingled material, the new company does not take glass. He stated the cart will go straight to the compactor and the bails will be shipped.

Commissioner Badwey stated that the annual pancake feed is tomorrow at Trinity Episcopal Church.

Mayor Michael Fagg stated he had a person call to ask when the roads in the cemetery were going to be fixed.

Scott Rickard, Assistant City Engineer, stated that he was not aware of budgeted monies. He stated that they did work with grindings at Belle Vista. There has been discussion about the others.

City Manager Llewellyn stated it has been discussed but does not know the answer currently.

Mayor Fagg stated that he had not received a petition from anyone at Prairie Trails.

City Manager Llewellyn stated he would send it out.

Mayor Fagg stated we need to change the language on membership to greens fee and cart fees.

CITY MANAGER'S REPORT

City Manager Herb Llewellyn stated that the State is considering changing some rules with unfunded mandates. He stated that information will have to be collected on stormwater after each larger rain event.

Mayor Fagg requested a fact sheet to be proactive with their legislators.

City Manager Llewellyn stated that they could provide it.

City Manager Llewellyn stated that there is also an unfunded mandate for animal shelters. They are doubling permit fees for the shelter.

City Manager Llewellyn stated that the State also wants to raise the water protection fee seven cents this year and another five in 2018. He stated that this revenue will go to work on siltation. He stated that it was his understanding that the money would go to John Redmond and to pay the debt on the State lakes that are not selling water.

Mayor Fagg asked if they needed to discuss the Resolution from the County.

City Manager Llewellyn stated that they might comment on it, there wasn't need to act on it tonight. He stated that he could communicate to the County that because the City just received it, they needed more time to digest it.

Mayor Fagg reminded everyone that it was a committee. He also stated that it was a Resolution for the County and does not bind the City in any way.

Mayor Fagg suggested the Commissioners visit with County Commissioner Mike Wheeler.

Commissioners Locke and Badwey stated they were concerned about the portion on policy decisions.

Commissioner Locke stated he thought it was a brainstorming group and was concerned about financial policy decisions.

Commissioner Badwey asked how binding these policies would be.

Mayor Fagg stated that it was his understanding that they would have to wait for each member to return to their governing body for a decision.

City Manager Llewellyn stated that they cannot make decisions on the water in El Dorado Lake because they do not own it.

Commissioner Badwey stated he wanted to be a good neighbor, he also felt it was more important to be a good representative of the people of El Dorado who are responsible for the debt. He stated that he felt that because we have the rights to the water, there should be more representation on the committee.

Mayor Fagg stated he wasn't sure we could ask for more representation since it was a County driven committee. He stated he felt it was important to be part of the conversation.

City Manager Llewellyn stated he agreed.

Commissioner Badwey stated that there were two County Commissioners on the committee.

Mayor Fagg stated he could pose that question to the County.

Commissioner Young stated he would like the Commission to review the resolution and understand what the context of this committee is. The representative on the committee should represent the whole Commission's view.

Mayor Fagg stated that the meeting was taped and the minutes were a very small part of it.

Commissioner Young stated that he understood, he wanted to make sure the City's representative understands the City's position.

Mayor Fagg stated he did not know how it would go over to ask for two seats on the committee in regards to other communities in Butler County.

Commissioner Locke stated that he felt since El Dorado owns the water and is responsible for the debt, they should be given a reasonable voice in the matter.

Mayor Fagg stated that he read the rights to the water are vested by the State of Kansas. The City of El Dorado has a vested interest in almost half and a perfected interest in the other half. He stated he felt that there is enough gray area that they do not know what the State will do. He stated they needed to be proactive.

Commissioner Locke stated that the City is the one who has carried the project and he wants to make it clear what the City's responsibility is.

Mayor Fagg stated he thought Mr. Bailey did a good job of explaining it.

City Manager Llewellyn stated that there is a work session scheduled next week for El Dorado Inc. and pit bulls.

City Manager Llewellyn stated that if they held the discussion on the water committee resolution at a later date, they could inform the County that the City needed longer.

Mayor Fagg stated that it was requested that he attend a REAP transportation meeting.

City Manager Llewellyn stated he was unsure who the current representative was.

Mayor Fagg asked if he could have any relevant information before the meeting.

City Manager Llewellyn stated he could.

EXECUTIVE SESSION

Commissioner Bill Young moved to recess into an Executive Session for the purpose of discussing legal matters, and to reconvene the regularly scheduled meeting in the City Commission room at 10:00 p.m.

Commissioner David Chapin seconded the motion.

Motion carried 5 – 0.

Mayor Fagg called the meeting back to order at 10:03 p.m.

ADJOURNMENT

Commissioner Bill Young moved to adjourn the meeting at 10:03 p.m.

Commissioner Chase Locke seconded the motion.

Motion carried 5 – 0.

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City Clerk Tabitha D. Sharp Mayor Michael A. Fagg

Mayor Fagg stated he felt like there was more they could do to be accountable.

Commissioner David Chapin asked what the numbers from last year would say. He stated that they would only give revenues and expenses.

Mayor Fagg stated that they could use those numbers to prepare for 2014.

Commissioner Chapin stated that they do that already during the budget process.

City Manager Llewellyn stated that we follow State law by publishing quarterly.

Mayor Fagg asked if it gives a format.

City Manager Llewellyn stated that he would have to check.

Mayor Fagg stated that he does not like the current format.

Commissioner Chase Locke stated that he felt he had a good understanding of where the City was from the weekly reports. He stated that if the Mayor wanted a different format, maybe he could work with staff to find a report that he understands.

Commissioner Young stated that this work needed to be decided on by the whole Commission so that staff are not wasting time on several different reports.

Mayor Fagg asked if he could see the whole report to see if there was more information.

Commissioner Chapin asked if it would be difficult to provide.

Ms. Sharp stated that it was up to the Commission.

Commissioner Bill Young moved to approve the consent agenda as presented.

Commissioner Nick Badwey seconded the motion.

Motion carried 5 – 0.

SALES TAX ADVISORY COMMITTEE RECOMMENDATION

Ryan Murry, 1830 Quail Run, Chairman of the Sales Tax Committee stated that the total sales tax collections for 2013 were $2,369,316.03. He stated that after amounts are deducted for the ordinance requirements in addition to the additional property tax reduction of 3.49 mills allowed by the Commission, approximately $90,000 is left. He stated that with the balance in the fund, there was approximately $200,000 for allocation this year.

Mr. Murry stated that the sales tax committee decided to keep one mill in the fund for a cushion. He stated that it left $120,000 in the fund for allocation. He stated that the committee is recommending that the Community Market be funded for $50,000, the Fire Station Training Facility for $42,465 and Summit Park resurfacing be awarded half of the $60,000 request.

Commissioner Nick Badwey asked if only half of the play area could be surfaced.

City Manager Herb Llewellyn stated that staff would have to find the other half.

Commissioner Chase Locke stated that he would like to hear more about the Community Market.

City Manager Llewellyn stated that over the years, the Commission has requested that staff look into providing a space for a farmer's market. He stated that recently the home lumber building has become available. He stated that this building has increased the abilities of the building, which brought forward the idea of a community market that is available for more than just the farmer's market.

Commissioner Locke stated that he understood that this location could provide more possibilities and he had heard good things about this idea.

Commissioner Locke asked if the Fire Station Training Facility was a joint project.

Mr. Murry stated that the college is only requesting the surface for the facility.

Commissioner Bill Young confirmed that Summit Park was the only handicapped accessible park surface in the City. He stated that the surface has begun to separate and makes it difficult to operate wheel chairs on the surface.

Commissioner Young asked if this would have to be done every nine years.

City Manager Llewellyn stated that this would be part of the Parks and Recreation master plan and when it is done again, it will be a poured in place surface which should have a longer life.

Commissioner Young stated he wanted the City to plan for the future and plan for maintenance in the future.

City Manager Llewellyn stated his view of the future was that it would be maintenance driven and not a sales tax project.

Commissioner Young stated he supported the Community Market and saw the Fire Station as a good partnership opportunity.

Mayor Michael Fagg thanked Mr. Murry for his service on the committee. He asked if he knew where the $50,000 was spent for economic development.

Mr. Murry stated that it was part of the ordinance so the committee did not have control over that.

City Manager Llewellyn stated that an example of how that money is spent is the incentives for BG Products.

Mayor Fagg asked why the sales tax committee was spending more on property tax reduction.

Mr. Murry stated that the 3.49 mills differed depending upon the mill levy.

Ms. Schaffer stated that it ranged from $79,000 to $80,000 typically.

City Manager Llewellyn stated that this policy was not new, that it began when the Mayor was on the Commission before.

Mayor Fagg stated that the excess sales tax was not ear marked for city government expenditures.

City Manager Llewellyn stated that the Mayor was a part of the Commission that voted to allow the 3.49 mills in additional property tax reduction. He stated that the policy has not changed, the mill levy changes yearly though.

City Manager Llewellyn stated that when they lowered the mill levy by allowing the additional property tax reduction, they tied the hands of the sales tax committee to keep it.

Mayor Fagg stated that the extra was not made part of the law.

City Manager Llewellyn stated he was correct, but the only way to fix it was to decrease services or increase the mill levy.

Mayor Fagg asked who was going to buy the building.

City Manager Llewellyn stated the City was.

Mayor Fagg confirmed that we would be taking on all of the costs associated with the building.

Suzie Locke, Activities, Sales and Services Manager stated that the current property tax amount is $1,037.18 for the building, she stated that of that the City of El Dorado gets $532.78. She stated that the city also receives $231.49 in stormwater fees. It is predicted that with the community market, the City would receive about $1900 in displaced sales tax, $200 in new sales tax, $2,500 in member's fees and about $500 in special event registrations.

Ms. Locke stated that staff understand that by taking it off the tax rolls it will affect others. The State of Kansas will go from receiving $16 in property tax to $11,000 in sales tax. USD 490 would lose the $71 in property tax, but the market would serve approximately 56% of their population on free and reduced lunch. This would give those children access to fresh produce throughout the times when meals are not provided by the schools. She stated that the County would receive $500 in sales tax as opposed to $400 in property tax.

Ms. Locke stated that the college is the only entity without a measurable impact. She stated that they will be able to use the facility through their culinary and agricultural departments.

Mayor Fagg questioned how the CVB money would be used to promote this.

Ms. Locke stated that this is an excellent opportunity to bring people to the City of El Dorado. She stated that this will keep vendors in our community that currently go to Wichita to sell.

Mayor Fagg asked why the City has to do this when a 501C3 group could do it.

Ms. Locke stated that this building will put back into the sales tax program that they are requesting money from. Therefore when money is needed in the future, they will have built the fund through their contributions.

Mayor Fagg asked if this would be tied to the summer program at Walnut Valley Packing.

Ms. Locke stated that no decisions have been made regarding who will be involved because there has been no space. She stated that several groups are involved in bringing this to fruition.

Commissioner Locke stated that the young leaders in El Dorado are excited about this plan.

Ms. Locke stated that she could also read four of the objectives from the City's Comprehensive Plan that this project will help meet.

Mayor Fagg asked if the City would make money off of it.

Ms. Locke stated that this will help grow a community space that is unique to the area.

Mayor Fagg stated that he was part of the discussion on the Civic Center when it was built, and it has not performed as they said it would.

City Manager Llewellyn stated the problem with the Civic Center is that there was no group in place to manage and market it. That has just come together in the last year.

Ms. Locke stated that in just six months of marketing the Civic Center, they increased the income by $20,000.

Mayor Fagg compared not having a plan for the Community Market to what the City Manager stated was the issue with the Civic Center. He stated that the same problem was going to happen.

City Manager Llewellyn clarified that now there is a marketing manager, so the community market will not have the same issue.

Commissioner Locke stated that this is a wonderful quality of life addition to the community.

Mayor Fagg asked if the City owns the Numana Building.

City Manager Llewellyn stated that the City Commission sold it for a dollar.

Mayor Fagg stated that it could have been used for this purpose.

Commissioner Locke stated that it was different. This building's location makes it more attractive to the farmer's market and others interested in the community market. He stated that it is easier for kids to get to.

Ms. Locke stated that this location is walkable from Skelly school where 77% of the children are on free and reduced lunch.

Mayor Fagg stated it was the school's responsibility to help them.

Ms. Locke stated that this building is about more than a farmer's market and more than just helping children who need the assistance.

Mayor Fagg asked why the county building could not be used for that.

Ms. Locke stated that the city does not own the county building and therefore cannot decide what is in it.

Mayor Fagg stated that the City should discuss a collaboration with the County.

Ms. Locke stated that there is not a person like her at the County to provide this service.

Commissioner Locke asked if there was something that the Mayor was in favor of in place of this project.

Mayor Fagg stated that he does not, he felt that we cannot continue to develop new projects or we will eventually run out of money as we become responsible for a dying project.

Commissioner Locke stated that he did not like saying that every project dies, he felt that this project has the opportunity to be successful.

Mayor Fagg stated that CVB money should be used to help the hotels.

Ms. Locke stated that it would drive traffic to our community which will increase traffic at our hotels.

Mayor Fagg asked if the hotels agreed that this will bring business.

Ms. Locke stated that she has not gone to the individual hotels, but the information has been provided in weekly e-mails and she hoped that they would have said something if they did not agree with the project.

Ms. Locke also pointed out that the purpose of CVB money was not to help hotels, it was to promote travel and tourism per State Statute.

Mayor Fagg stated he did not want the City to buy another building.

Mayor Fagg asked what the two dissenting votes on the committee were in favor of.

Mr. Murry stated they were in support of Towanda Avenue improvements.

Mayor Fagg asked if Mr. Lagrisse was on a committee.

Ms. Locke stated that he is part of the current farmer's market, many of them were at the public hearing for the sales tax committee.

Mayor Fagg pointed out that Mr. Engler was concerned that there was not a plan.

Ms. Locke stated that Mr. Engler was in support of the building, he just wanted to talk more about the plan.

City Manager Llewellyn stated that the City has not set rules for a community market because they do not have a building and are not knowledgeable about the stake holders.

Ms. Locke stated that there are other groups that have a financial investment in the program.

Mayor Fagg asked why it couldn't be discussed with the County to use the current building.

Ms. Locke pointed out again that the City does not have ownership of that building.

Commissioner Locke stated that in the proposed facility, people will be able to pull in and sell from their vehicles.

Commissioner David Chapin asked if this would take some of the vendors off of Central and Main.

City Manager Llewellyn stated that some of that will still be seen.

Mayor Michael Fagg asked how the grocery stores would feel about the farmer's market.

Ms. Locke stated that there is already a farmer's market competing with the grocery stores.

Mayor Fagg stated that the City is not involved in the current market.

Ms. Locke stated the City supports it with the way finding signs.

Commissioner Chapin asked if the building will be used during other times.

Ms. Locke stated that they hope to use it for an additional civic space and also as a space for a winter market, flea market, antique show, movie night and many other ideas.

Ms. Locke stated that it is a qualifying historic building and this is an opportunity to preserve that building.

Commissioner Locke stated there were many diverse groups supporting this and trying to make it a successful venture.

Commissioner Young stated that this has been a discussion amongst the Commission for at least the last two years. He stated that there is a large community in the area that would like to be able to take advantage of the fresh produce.

Mayor Fagg asked if the Kansas Turnpike was in the City of El Dorado.

Scott Rickard, Assistant City Engineer, stated that the property just on the West side of Boyer is in the City limits.

Mayor Fagg stated that he wanted to point out that the KTA is in the City limits but Mr. Kropf is not, so he cannot be assessed.

Mayor Fagg stated that it stated in the minutes that the Township pledged $40,000. He asked where that number came from because he came up with $116,000 for the project.

City Manager Llewellyn stated that for a 4 inch overlay the number was approximately $80,000 and that the Township said they would pay half of that cost.

Scott Rickard, Assistant City Engineer, confirmed that he was correct.

Mayor Fagg stated he wanted to again clarify that Mr. Kropf and the KTA could not be treated the same.

City Manager Llewellyn stated that he was aware of that, he stated that the Mayor was the one that keeps linking the two.

Mayor Fagg asked if the City Manager knew what was in the minutes.

City Manager Llewellyn stated he did, he was at the meeting. He clarified again that the Mayor is the one that continues to link the Boyer project and the Towanda Avenue project. He stated that the Mayor has been promoting Fred not paying or paying less.

Mayor Fagg stated that the Township is paying his.

City Manager Llewellyn stated that they are paying half of the project, not Mr. Kropf's portion.

Mayor Fagg wanted to clarify that Mr. Kropf was not the same as the KTA.

City Manager Llewellyn stated that he was doing what the Mayor asked of him when he discussed that project. He asked the Mayor to read the whole section of the minutes from the sales tax minutes.

Discussion ensued about the 6th and Boyer project.

Commissioner Chapin stated he appreciated the time and effort Mr. Murry put into the committee.

The other Commissioners also thanked Mr. Murry and the Committee.

Mayor Fagg stated he was worried if they kept spending money from this fund, they would run out.

Commissioner Chapin stated that the money would not run out. He stated that each year they allocate the previous year's collections.

Mr. Murry pointed out that the reason the committee elects to leave a mill in the fund is in the case that collections are lower than anticipated.

Commissioner Chapin asked how many other cities have a farmer's market that is supported by the City.

Ms. Locke stated she did not know a number, she gave an example of the City of Marion who uses their market for a purpose similar to the one proposed.

Commissioner Chapin stated that Great Bend also had one that is publicly owned.

Mayor Fagg stated that he felt the County should work with us to develop this out of their building.

Commissioner Bill Young moved to open the public hearing.

Commissioner Chase Locke seconded the motion.

Motion carried 5 – 0.

Mayor Michael Fagg opened the public hearing.

There were no further comments.

Mayor Fagg closed the hearing.

Commissioner Nick Badwey moved to accept for consideration the Sales Tax Advisory Committee's recommendations on the use of uncommitted sales tax for 2013.

Commissioner Bill Young seconded the motion.

Motion carried 5 – 0.

PROJECT NO. 295 PAVING TOWANDA (FREDRICK TO EDGEMOOR)

Scott Rickard, Assistant City Engineer, stated that they are considering setting the public hearing for the paving of Towanda from Fredrick to Edgemoor. He stated that the public hearing would be held on April 7th. He stated the property owners would have twenty days after that date to protest the project.

Mayor Michael Fagg asked if the number has been set for each property.

Mr. Rickard stated that it is an estimate. The City goes above and beyond the statute and sends letters to each individual explaining the assessment. The assessment will not go above what has been estimated unless they determine that they want a larger driveway.

Mayor Fagg asked if he understood what was being asked for on Boyer.

Mr. Rickard stated he wanted a line by line cost breakdown.

Sales Tax Committee Meeting

January 13, 2014

Sales Tax Committee Members : Ryan Murry, Marsha Mawhirter, Frank Kaster, Ashley Roedl, and Randy Wells

Sales Tax Committee Members Absent: Steve Funk and Simon Schippers

Staff: Finance Director Tammy Schaffer, City Clerk Tabitha Sharp, Activities, Sales and Services Director Suzie Locke, Parks and Recreation Director Kevin Wishart, Public Works Director Brad Meyer, Police Chief Curt Zieman, Fire Chief Steve Moody, Economic Development Director Linda Jolly, and Assistant Finance Director Wes Barnett

Introduction and Background:

Finance Director Tammy Schaffer provided the committee members with background on the sales tax ordinance. The current sales tax ordinance expires in October of 2014, the citizens of El Dorado passed a new ordinance in the Spring of 2013 allowing the one percent city sales tax to continue for another five years after the 2014 expiration date. This ordinance includes $600,000 for street rehabilitation, $1,350,000 for property tax reduction, $50,000 for economic development and the balance to be distributed by recommendation of the sales tax committee on additional property tax reduction and capital improvement projects. Previous projects directed by the sales tax committee include the bike path, sidewalk projects, the lake softball complex, improvements to MacDonald stadium, and the North Main spray park.

Mrs. Schaffer stated that the sales tax collections for 2013 were $2,369,316.03. The amount left for allocation by the sales tax committee after the ordinance items are subtracted is $369,316.03. Previous sales tax committees have used the excess for additional property tax reduction up to 3.49 mills (as directed by the ordinance). She stated that this amount is $279,172.08. If the sales tax committee chooses to utilize the additional property tax reduction, the amount left for capital projects is $90,143.95.

Mrs. Schaffer stated that the balance in the additional sales tax fund including the 2013 amount is $202,567.83. She stated that in the past, the committee has left approximately one mill for a “cushion” in case sales tax collections were to go down in the upcoming year.

Mrs. Schaffer stated that during the meeting, there were several department heads present to request sales tax funds and that the committee needed to elect a chair person.

Randy Wells nominated Ryan Murry to serve as the 2014 sales tax committee chair.

Ashley Roedel seconded the motion.

Motion carried.

Gordy Park Resurfacing:

Kevin Wishart, Parks and Recreation Director, stated that he was requesting sales tax funds to assist in resurfacing Summit Park. The park, the City's first all inclusive play area, is in a state of disrepair due to the separating and cracking of the surface tiles.

Mr. Wishart stated that similar surfaces now come with a ten year warranty and the ability to prevent UV damage. He stated that there is also a new surface that is similar to artificial turf and another type of poured surface that both meet ADA requirements. He asked for $60,000 for the project.

Ms. Roedel asked if he had a preference.

Mr. Wishart stated that his first inclination is to go with a similar product. He stated that he did not have enough information to make a good judgment about pour in place and he had some reservations about turf.

Training Facility for the Fire Department:

Steve Moody, Fire Chief, stated that training facilities were important to be able to keep fire fighters current on their job skills. The department has been working with Butler Community College to get a training tower put in. He stated they were in need of a concrete pad to place the tower on and the driveway to the pad. He stated that ground work and prep would be done by City personnel and so he was asking for $42,465 for the project.

Ms. Mawhirter asked if it would be on 6th Street.

Chief Moody stated that it would be to the North.

Ms. Mawhirter asked if there was an ability to share with Sedgwick County..

Chief Moody stated that it would cause extended overtime costs to ensure that the stations were covered while employees were away training. He stated that the new facility could be used by others in Butler County as well.

Ms. Mawhirter asked how many individuals would use it.

Chief Moody stated that El Dorado would have approximately sixty individuals and the college has approximately one hundred students.

Ms. Mawhirter confirmed that Tony Yaghjian, the director of the fire science program, had a meeting with the college later in January.

Chief Moody stated that he did have a meeting to discuss the college's contribution to the project. He stated that if it didn't work out, the fire department was prepared to pursue other options for funding. He stated that he did not want to hold up the progress on building the tower if the pad was not ready.

Ms. Schaffer stated that if the project was approved by the Sales Tax Committee, and the other funding did not work out, the money would be placed back into the sales tax fund

Community Market:

Suzie Locke, Activity Sales and Services Director, stated that the City has been working on grants for a Community Market. She stated that there were two options for placement of the market. The first was the acquisition of the old Do-it-yourself warehouse building. The second option was to build a pole barn structure at Gordy Park. Both are close to downtown.

Ms. Locke stated that there has already been $10,000 pledged to the project by the County, but those monies will be taken back soon if they are not used. The request to the sales tax committee is $50,000.

Mr. Kaster asked why the warehouse is preferred.

Ms. Locke stated it is preferred because it can be used year round.

Mr. Kaster asked about parking availability.

Ms. Locke stated that the parking around Gordy Park was extensive and the County parking lot is also available on the weekends.

Ms. Jolly stated that the County was supporting the use of their parking lot for this project.

Mr. Wells asked if it would be for the Farmer's Market currently located at Walnut Valley Packing.

Ms. Locke stated that the City planned to use it for many events, not just the Farmer's Market.

Ms. Mawhirter asked what other events it could be used for.

Ms. Locke stated that it could be used for craft fairs and other community sales.

Mr. Meyer stated that other cities use theirs for concerts, movie nights and car shows.

Ms. Mawhirter asked if this would interfere with the use of Gordy Park.

Mr. Wishart stated that it is a moderate use park, actually more of a neighborhood park. He stated it receives the fewest number of reservations because of the lack of restrooms.

Ms. Locke stated that if the City had to build the pole barn structure, it would have concession stands and restrooms.

Ms. Mawhirter asked if there are improvements scheduled for the park.

Mr. Wishart stated that there are monies budgeted in 2015 for playground equipment improvements.

Mr. Meyer stated that the sidewalks have been improved in the area over the last year.

Ms. Mawhirter asked where the pole barn structure would be located.

Ms. Locke stated it would be on the East side, and the basketball court would hopefully be relocated.

Mr. Wells asked why the building is for sale.

Ms. Locke stated that she did not know, she stated it was currently leased to Butler REC through the summer.

Mr. Kaster asked if he could see the letters of support.

Ms. Locke stated that she would get him copies.

Conducted Energy Weapons:

Curt Zieman, Chief of Police, requested funds for their conducted energy weapons. He stated that these weapons allow officers to render a suspect immobile for five seconds so that the officer can control them. He stated that tasers cause fewer injuries amongst suspects and officers, cutting down on worker's comp and litigation. He stated that the officers are currently sharing eight of them, which causes more wear and tear on batteries. He stated that the request for the sales tax committee is for $20,000.

Ms. Mawhirter asked if the request would supply one per officer.

Chief Zieman stated that it would.

Mr. Kaster asked about the effects on a person with a pace maker.

Chief Zieman stated that there isn't any evidence that it effects a person with a pace maker.

Ms. Schaffer stated that the next meeting would be on February 10th at 5:30 p.m. This meeting would be open to requests from the public. The Committee could make their final decision then if they were ready.

Sales Tax Committee Meeting

February 10, 2014

Sales Tax Committee Members: Ryan Murry, Ashley Roedel, Frank Kaster and Marsha Mawhirter

Absent: Simon Schippers, Steve Funk, and Randy Wells

Staff: City Manager Herb Llewellyn, Finance Director Tammy Schaffer, City Clerk Tabitha Sharp, Fire Chief Steve Moody, Activities, Sales and Services Manager Suzie Locke and Economic Development Director Linda Jolly

Finance Director Tammy Schaffer introduced the proposed projects of the Fire Station Training Facility, Community Market, Police Tasers, and Resurfacing of Summit Park.

Ryan Murry opened the public hearing.

Steve Finley asked what type of market was being suggested.

Ms. Locke stated that the first goal is to acquire the building, which will provide a larger space for the local Farmer's Market participants. She stated that once the building is obtained, more will be decided on the rules and regulation of the market. She confirmed that the people in the current Farmer's Market will be involved in that process.

Ms. Locke also stated that the goal is to have a year around market as well as other events.

Fred Engler stated that he felt it doesn't make sense to buy the building without a plan.

Ms. Locke confirmed that the first step needed to be getting a building and then they could work on planning how to operate the market.

Mr. Engler asked if people from other communities would be welcome.

Ms. Locke stated that the goal is to make it available to Butler County individuals first.

Mr. Finley asked where the money was coming from.

Ms. Locke stated that the purpose today was to request funds from the sales tax committee. She stated that there is funding available from the County, and that other grants will be pursued.

Ms. Locke stated that she had letters of support from the Butler County Health Department, Numana, and the K-State extension office.

Ms. Locke stated that the City has been approached in the past about providing a space, this space is the closest they have been able to come to Central Avenue.

Mr. Finley asked how it will be promoted.

Ms. Locke stated that it will be promoted through the CVB.

Ronald Alvarez asked who will take care of the building.

Ms. Locke stated that the City will do the primary upkeep.

More discussion was held about the specifics.

Ms. Locke again confirmed that they needed to obtain a space prior to deciding on the regulations.

Lowell Lagrisse asked when the space would be available.

Ms. Locke stated she would like to acquire the space this year, but was unsure when it could be done.

There were more concerns over the location.

Ms. Locke stated that a benefit of the building being owned by the City is that the City has a marketing budget for the space.

Mr. Engler asked if there would be a market manager.

City Manager Llewellyn stated that it is the goal of the City to allow these individuals to run their business, obtaining a building will be the first step to helping them. He stated that after they obtain a building, then the other decisions can be made.

Mr. Lagrisse stated that he felt the City Manager was supportive of the Farmer's Market vendors.

Marsha Mawhirter asked if there were any firm contacts with other people who would use the facility.

Ms. Locke stated that she has many contacts through her position in the City and that often there is not enough event space available to these people.

Mr. Murry asked if there were other questions about the projects.

Ms. Mawhirter stated that she has recently had conversations with her neighbors and they have requested that the sales tax funds be used to fix Towanda Avenue. She stated that the road is very bad and that it is a dangerous area for pedestrians.

City Manager Llewellyn asked if she wanted a sidewalk.

Ms. Mawhirter stated that she wanted the street done and a sidewalk if the street could not be made wider.

Ms. Roedel asked how much that project would cost.

Ms. Mawhirter stated that she did not know.

Mr. Murry asked if she wanted to use the monies in excess of the $600,000 already committed to streets.

Ms. Mawhirter stated that she wanted to use it in addition to the excess monies.

City Manager Llewellyn explained the background on the Towanda Avenue project.

Mr. Kaster stated he didn't believe resurfacing would help because it would need to be done again in the future.

Ms. Roedel stated she did not believe this money was enough to help.

Ms. Mawhirter stated that even a sidewalk would help with the pedestrian problem if it were not possible to do the street.

City Manager Llewellyn stated that the committee has given money to sidewalk projects in the past. He stated that the sidewalk would be about $32,000 if done by City Staff.

Mr. Kaster stated that the City would have to acquire the land to build sidewalks on.

Mr. Murry closed the public hearing.

Mr. Murry stated that while he agreed that Towanda Avenue is an important project, he thought it would be prudent to wait for a larger project to be approved.

Mr. Murry stated that Steve Funk had chosen the park resurfacing and the Tasers and Randy Wells had chosen the Community Market and Fire Training Facility in e-mails sent to the committee.

Mr. Murry stated he felt the Community Market and Fire Training Facility were the best options.

Mr. Kaster stated he was not in favor of the Community Market because of the location and parking.

Ms. Mawhirter stated the Tasers should be a budgeted item. She also stated the Fire Training Facility was nice but most people felt that they should not get the money because they just got a new truck.

Ms. Mawhirter stated that Towanda Avenue and the Community Market were her top two.

Ms. Roedel stated she felt the Community Market was needed.

Mr. Kaster stated he was in favor of resurfacing the park.

More discussion was held.

No majority could be reached.

There was consensus to meet again the following week when more committee members could be present.

Meeting adjourned at 7:25 p.m.

Sales Tax Committee
February 18, 2014

Sales Tax Committee Members: Ashley Roedel, Frank Kaster, Simon Schippers, Marsha Mawhirter, Ryan Murry, Randy Wells

Absent: Steve Funk

Staff: Tabitha Sharp, Scott Rickard, Suzie Locke, Herb Llewellyn

Ryan Murry called the meeting to order.

Mr. Murry stated that the four projects requested were the Summit Park surface, the Fire Station training ground, Community Market and Tasers for the Police Department.

Mr. Murry stated that the Tasers had been eliminated as a project because it was not considered a capital improvement project.

Mr. Murry stated that Towanda Ave was also suggested.

Mr. Wells asked for clarification.

Ms. Roedel stated that it was suggested to resurface Towanda.

City Manager Herb Llewellyn stated that Towanda Ave was brought up by one of the members of the sales tax committee. He gave background on the process of repairing Towanda Ave. He stated that Mr. Kropf does not want to take the deal that was given by the City on the assessments. It has now been suggested that the sales tax be used to fund his portion. He stated that the project is $1.2 million, and Fred's portion is around $400,000. He stated that the Mayor wanted to reiterate that the sales tax money could be used, the Commission is moving ahead with the eastern portion of Towanda. He stated that the township will contribute money, and that the County is considering it.

Mr. Wells confirmed that it was a 30 foot street.

Mr. Rickard stated that it was a 40 foot street.

Mr. Wells confirmed that property owners would only be assessed the costs for a thirty foot. He asked what portion was being considered.

Mr. Rickard stated it was from Edgemoor to Fredrick, and the larger project would be to Haverhill.

Ms. Roedel confirmed that the purpose in beginning the project was to encourage the rest of the project to be finished.

City Manager Llewellyn stated that she was correct.

Mr. Wells asked if Towanda was included in the ten year plan.

Mr. Rickard stated that it was only for standard streets.

Mr. Kaster asked what we did with 6th Street.

City Manager Llewellyn stated that it was done the same way; the difference is that the KTA didn't get assessed and Mr. Kropf would because he is an individual not a state agency.

Mr. Rickard stated the City has been following the same guidelines and policies on all of its' roads for many years.

Mr. Wells stated that the portion of Towanda that is in need of repair should have to pay for their streets just like everyone else in town or the City will have to make exceptions for the rest of the City as well. He asked if Mr. Kaster was advocating doing the project without requiring individuals to pay their portion.

Mr. Kaster stated that he was not advocating that.

Mr. Murry asked how much an overlay would be.

Mr. Rickard stated it was about $250,000, but he cautioned against an overlay because it would have to be done again soon.

Mr. Murry stated that we did not have the money to do that.

Mr. Kaster stated that it could be saved for another year when the City had the rest of the money.

Ms. Roedel stated that the City Commission is already focusing on the project and thought that they could get the work done faster than the sales tax committee.

City Manager Llewellyn stated that he thought the Commission was already on the task, and had discussed it with the Township and County to get support.

Mr. Wells asked how much they were going to give.

City Manager Llewellyn stated that the Township had pledged $40,000. He stated that the City Commission has instructed staff to get a number on fixing the street like it should be.

Mr. Wells asked if another option would be to annex the property.

City Manager Llewellyn stated that Mr. Kropf's claim is that his land is agricultural land and therefore is exempt from annexation. He stated that it would take longer because it would require going to court.

Mr. Murry reviewed what was left in the account.

Ms. Roedel moved to keep the 3.49 mills for additional property tax reduction.

Ms. Mawhirter asked what the cushion was.

Mr. Murry stated that it was typically kept in the fund in case the sales tax collections go down in a particular year.

Mr. Murry seconded the motion.

Motion carried 6-0.

Mr. Murry moved to keep one mill in the account for a cushion.

Ms. Roedel seconded the motion.

Mr. Kaster stated he thought it was what they had just voted on.

Mr. Murry explained that the first portion was an additional amount used to keep property tax down, the second portion was to keep in the fund in case the sales tax collections went down.

Motion carried 6-0.

Mr. Murry stated that left the committee with $122,000. He stated that as he mentioned earlier, the Tasers were left off because they weren't considered capital projects.

Mr. Murry stated that at the last meeting, he had moved to fund the fire station, community building and half of the playground surface.

Mr. Wells asked why the old playground surface had declined so much.

City Manager Llewellyn stated that the tiles have separated. He stated that the park at the lake has poured in place and was still good, and that staff are looking at options that will last longer and have a warranty.

More discussion was held.

Mr. Murry asked what everyone's top two were.

Mr. Wells stated he agreed with Ryan's motion.

Mr. Kaster stated that he suggested to do the park and the market and to give the remainder to the fire station. He felt the college would be able to come up with the money.

Ms. Roedel stated she agreed with the suggestion from Mr. Murry.

Ms. Mawhirter stated she was in support of Towanda Avenue. She stated that after listening to the discussion, she felt there would still be an issue with just an overlay and wanted to put money towards the larger project. She stated she felt they should give the Commission the suggestion to placing the money in a fund until enough could be raised to do the whole project.

Mr. Schippers stated that he was for Summit Park and the community building and the remainder to the fire station.

Mr. Kaster stated he would like to change his vote if the Commission is not going to take the Towanda Avenue project into consideration.

Mr. Rickard stated the project from Fredrick to Edgemoor would go on the next meeting, and then they would consider the remainder. He stated that a sidewalk is also part of that plan.

City Manager Llewellyn stated that the Commission wants to do something.

More Discussion.

Mr. Murry asked how many were in favor of the Towanda project.

Ms. Mawhirter and Mr. Kaster voted in approval, the rest voted against.

Mr. Murry stated that the original proposal was for the fire station, market, and half of the park, he asked if anyone was in favor of that proposal.

Mr. Wells, Mr. Murry, Mr. Schippers and Ms. Roedel voted in favor.

Ms. Roedel moved to fund the fire station, the community market and $30,000 of the park resurfacing,

Mr. Wells seconded.

Motion carried 4 – 2. (Ms. Mawhirter and Mr. Kaster voted against)

Meeting adjourned at 1:15 p.m.

City of El Dorado, KS

Community Market Facility

Business Plan

I: Table of Contents

II: Executive Summary

The City of El Dorado prides itself on providing a high quality of life to its citizens. Through innovation, adherence to core values, and awareness of community needs, the City continues to develop into a community with a sustainable and bright future. The Community Market Facility will be an investment in the future health and welfare of the El Dorado citizens and visitors alike.

The market will provide a civic gathering space unique to El Dorado's historic downtown. With the initial goal of promoting a local farmers market that meets the needs of growers, producers and consumers, the market space will be safe, accessible and enhance the access to healthy foods options in our area.

The future of the Community Market Facility far exceeds the initial goal. Partnerships with local civic groups, not-for-profit organizations, and small business will augment facility usage. In addition to increased community partnerships, the market will provide a needed indoor-outdoor event space. The market will provide additional space for established community events and serve as a valuable tool to recruit new events to the area. Ownership of the building is critical to utilizing its future potential.

With the purchase of the Community Market Facility, the City of El Dorado will be able to bring to fruition a project that has been in consideration for several years. The market, like many innovative City projects, will benefit not only our citizens, but also the greater El Dorado community, Butler County, and visitors critical to the future growth of our City.

III: General Description

Mission: The mission of the El Dorado Community Market is to provide growers, producers, and consumers in El Dorado and Greater Butler County Kansas with locally grown foods and farm products.

Goals and Objectives:

- Provide a safe and accessible community space to enhance the overall well-being of the El Dorado community
- Provide opportunity for income assistance for eligible consumers on qualifying products through Supplemental Nutrition Assistance Program (SNAP)
- Enhance community partnerships with K-State Extension, Susan B Allen Memorial Hospital and Numana, Inc.
- Foster increased opportunity for agriculture, health, and environmental sustainability awareness
- Maximize and manage sales tax revenues from transient vendors and vendor permits
- Aid the community in meeting a number of objectives in the 2030 City of El Dorado Comprehensive Plan
    - Objective 1.5: Encourage and protect land uses that are vital to the health, safety and welfare of the entire community.
    - Objective 3.1: Encourage active coordination between the City of El Dorado and local economic development organizations.
    - Objective 7.1: Develop tools to assist the City's historic preservation efforts.
    - Objective 8.2: Provide cost-effective sport and non-sport programming for individuals of all age, income, and skill levels.

Philosophy Statement: El Dorado is built on the desire to preserve, sustain and grow rural culture. As a City of the Arts, El Dorado offers a perfect mixture of history, culture and vision for the future. Continuing to establish, promote, and enhance community offerings that contribute to the quality of life for citizens and visitors alike, exemplifies our City's motto…El Dorado – The Fine Art of Living Well.

Market Plan Overview:

Since 1994, the U.S. Department of Agriculture (USDA) has published a National Directory of Farmers Markets which includes a comprehensive update every year. The number of registered markets in operation has grown from 1,755 in 1994 to over 8,000 in 2014. From the Land of Kansas, the trademark program for Kansas products, included 29 registered Farmers Markets in 2014. This trend in market availability and local food alternatives has grown steadily and is projected to continue to grow in the future.

The El Dorado Community Market will be a desirable destination for growers, vendors and buyers in the south-central Kansas region. It also has the opportunity to serve as a cultural point of interest and education tool during farmers market events. There will be ample space and opportunity for additional events. These opportunities may include but are not limited to:

community concerts, Farm to Fork education, and local From the Land of Kansas event space. Having already developed relationships with area growers and vendors this new community space will foster community partnership growth.

Unlike any facility in our area, the refurbished lumber yard building will be located in El Dorado's Downtown. One block south of the historical Butler County Courthouse and directly east of Gordy Park, the community market will serve as a central hub for local events. The nature of the facility will provide ample opportunity for event space as well as tourism centered events.

The primary targets of the project are Butler County growers, producers and the customers interested in buying farm fresh produce and homemade goods. The community market facility will 1) expand and promote direct producer-to-consumer marketing activities and the existing community-supported agriculture programs and 2) develop and expand marketing outlets that provide healthy foods. The Market will serve the primary purpose of increasing healthy food access for the benefit of economically disadvantaged families. The market will also assist in the professional development, training and educational programs for farmers and producers whom have primary building occupancy.

For the past 25 years, a collection of local farmers/producers have established a farmers market within the El Dorado city limits. Over their tenure, the farmers market vendor community has grown, and their customer base grown. Currently located in a small grass area on the south end of town, the group has out grown their available space resulting in limitations on vendor and customer expansion. The inability to service all interested parties has forced several local vendors and patrons as well as regional visitors to seek alternative markets outside the El Dorado community.

Currently the Wichita Farmers Market creates the greatest amount of competition to the Community Market. In the new facility, El Dorado will be able to provide year-round openings for local growers and producers to sell goods and provide services in the community. Established community partnerships between the City of El Dorado, the Chamber of Commerce, El Dorado Inc., Numana Inc., and El Dorado Main Street will afford additional support to the facility during large community events. These partnerships and the nature of the project itself provide a competitive advantage to growers and producers seeking opportunities in Butler County.

IV: Products and Services

The Community Market will primarily offer:

- Farm Products or Value-Added Farm Products from established Producers.
    - "Producer"- a person or entity that raises or farm products on land that the person or entity farms or owns, rents, or leases, or a person or entity that creates (by cooking, canning, baking, preserving, roasting, etc.) Value-added Farm Products; and whose method of production have been verified by the Kansas Department of Health and where applicable the Kansas Department of Agriculture based on the standards set forth in their regulations. Proper licensing and documentation must be provided to verify compliance.
    - "Farm Products"- means fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, shell eggs, honey or other bee products, flowers, nursery stock, and livestock products (including meat, milk, yogurt, cheese and other dairy products).
    - "Value-Added Farm Products"- means any product processed by a Producer form a Farm Product, such as baked goods, jams, jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee, smoked or canned meats or fish, sausages, or prepared foods.

Producers selling Kansas products will supplement the anemic produce purchasing opportunities in our area. The City of El Dorado has a high percentage of low-to-moderate income families within the community. Kansas State Department research shows that more than 55.7% of El Dorado children are economically disadvantaged (2011). The desire is to not only increase opportunities for local farmers to sell produce but to offer the opportunity for these farmers to sell produce that is nutritional and affordable for our children.

In addition to the market selling structure, the additional space will allow for a community centered market in which a larger variety of local producers will be able to sell their products. This may include local artists, home based businesses, and other regional producers. The market will complement the current offerings of downtown businesses, and the new location closer to El Dorado's Main Street will provide a natural hub for community events. The market will be able to serve as a multi-use community facility including additional space for the annual Frontier Western Days Celebration and expanded monthly market prospects during First Friday Events downtown.

V: Management and Organization

Within the City there is an increased interest and demand for access to locally grown and raised food; and the City desires to increase access to healthy, local, and affordable foods; encourage community-building; and support local agriculture and economic development. The goal of this plan is to facilitate use of the Market Facility in order to serve the best interest of the citizen of El Dorado.

The Community Market will operate using the following definitions:

- "Farmers Market"- An outdoor market open to the public, operated by a governmental agency, a nonprofit corporation, or one or more producers where:
  - At least 75 percent of the displayed inventory of the products sold in the Farmers Market is Farm Products or Value-Added Farm Products.
  - At least 75 percent of the booths open during the market's hours of operation are Producers, or family members or employees or agents of Producers.
- "Producer"- a person or entity that raises or farm products on land that the person or entity farms or owns, rents, or leases, or a person or entity that creates (by cooking, canning, baking, preserving, roasting, etc.) Value-added Farm Products; and whose method of production have been verified by the Kansas Department of Health and where applicable the Kansas Department of Agriculture based on the standards set forth in their regulations. Proper licensing and documentation must be provided to verify compliance.
- "Farm Products"- means fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, shell eggs, honey or other bee products, flowers, nursery stock, and livestock products (including meat, milk, yogurt, cheese and other dairy products).
- "Value-Added Farm Products"- means any product processed by a Producer form a Farm Product, such as baked goods, jams, jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee, smoked or canned meats or fish, sausages, or prepared foods.

Proposed Facility Usage Requirements:

The Community Market Facility shall be under the supervision and control of the City of El Dorado and its designees.

Any Famers Market applying for use of the facility will be required to provide the following:

- By-Laws relating to the operation and management of the market not inconsistent with any laws, City Codes, and City Policies. The By-Laws shall be submitted to the City Clerk no less than 30 days prior to the opening of the market and may not be amended without prior notification to the City of El Dorado. By-Laws must include the following:
  - Governance structure of the market, hours of operation, maintenance needs, security requirements, and provisions for recycling and waste removal.

    - Designation of a market manager. The Market Manager shall be responsible for the cleanliness of the market and for the enforcement of all provisions of this document and the submitted operating agreement. The Market Manager will also serve as the primary liaison between the Farmers Market and the City of El Dorado.
    - Roster of annual vendors including tax identification information. All market vendors must be Kansas State Producers or sell Value Added Products from the Kansas state. No Reselling or franchise sales are allowed. Vendors must be given priority based on location with priority given to residents of the 67042 area code first, butler County residents second, and the reminder to be filled based on date of application submission and market needs.
    - Plan for accepting and promoting use of SNAP.
    - Established fee and dues structure.
- The Market must establish an Advisory Board with a regular meeting schedule. A City Designee must be a voting member of said board. The board will be responsible for managing the market under the established By-Laws. The City Commission reserves the right to create an official advisory board at any time.
- The City of El Dorado will serve as the fiscal agent for the Farmer's Market until such time that the market can demonstrate a legal form of ownership. For example, sole proprietor, Partnership, Corporation, or Limited liability corporation (LLC).

Any other event proposing use of the facility will require the following documentation. Farmers Markets must also comply with the following regulations when deemed appropriate by the City of El Dorado.

- All activities must be contained within the request portion of the Community Market Facility or outlying City owned property including but not limited to Gordy Park. Any request for use requires a Community Event Permit. Additional fees for facility may be required based on the specifications of the Event Permit.
- All vendors are required to adhere to all local, State and Federal laws, regulations, rules, guidelines, and codes that are applicable to the production, processing, transportation and marketing of their respective products. Requirements regarding production, processing, transportation and marketing may be obtained from the Bureau of Food and Drugs, Department of Health and Environment, Kansas Department of Agriculture, Kansas Department of Revenue, Topeka, Kansas.
- All prepared food vendors shall carry Product Liability and General Liability and must furnish a copy of certificates of insurance to the City of El Dorado at least thirty days prior to vending at the Community Market.
- All market vendors are required to comply with laws that apply to the collection and payment of taxes. Failure to report sales tax, display proper signage, or provide tax identification information will result in immediate forfeiture of Community Market privileges.
- All foods for display or sale must be effectively protected from contamination.
- Use of illegal drugs, smoking, and/or gambling is not permitted in the El Dorado Community Market.
- All minors on the premises must have adequate adult supervision.
- The City of El Dorado cannot be held responsible for accident, injury or loss/damage of personal property.

- Rules and regulations are subject to change at the City's discretion.
- The Fire Department has the right to walk-through the building at any point during the event to check the occupancy and ensure compliance with the fire code.
- Any agreement for use of the facility will expire 365 days from the signed date. The agreement can be renewed upon a demonstration of policy adherence.

Proposed Fee Schedule:

	Annual Farmers Market	**Special Event Rental (per-day)**
Building Rental (Designated Time Period)	$1000	$200
Upfront Marketing Fee	$250	Not Applicable
Trash and Maintenance Fee	$500	$50
Additional Maintenance	*As Needed*	*As Needed*
Additional Daily Rental Fee (Outside Designated Period)	*$100*	*$100*
Special Event Addition (per-request)	*$50*	Not Applicable
Total (without specials)	**$1750**	**$250**

VI: Financial Plan

Startup Expenses

Acquisition	$72,000
Phase One Environmental Assessment	$2,350
Initial Improvements to code specifications	$8,250
Total Cost	$82,600

Initial Improvements to Code Specifications will potentially include:

- Temporary restroom facilities
- Safety sign updates
- Enclosing open isles
- Clean up and removal of all debris from previous owner

Source of Funds

Butler County Wind Farm Funds	$10,000
City of El Dorado	
Administration	$22,600
Sales Tax Contribution	$50,000

Explanation of Sources:

Butler County Wind Farm Funds- In 2012, the City of El Dorado applied for funding from Butler County for a Famers Market in El Dorado. They were awarded funds to be used on the project, but the project was never completed. The funds are still available for our use and can be applied to a project with compatible priorities.

City of El Dorado Administration Funds- The City of El Dorado has earmarked funds for a farmer's market project in the general fund budget.

Sales Tax Contribution- The City of El Dorado levies a 1% sales tax to reduce property taxes, complete street rehabilitation projects and increase economic development and job creation. The remaining funds are allocated as capital expenditures with precedence going to projects with widespread community impact. *The project has been proposed, reviewed, and approved for 2015 funding.*

Income Projections

City income from 121 W. Ash property:

	2013	**First Year Prediction with CMF**
Property Tax	$532.78	$0
Storm Water	$249.36	$0
Displaced Sales Tax	$0	$1,947.84
Anticipated New Sales Tax	$0	$234.06
Farmers Market Fees	$0	$1,750
Special Event Reservations	$0	$1000
Total	**$782.14**	***$4931.90***

VII: Future Development Possibilities

The Community Market Facility will make an immediate impact in the City of El Dorado with its potential to meet the needs of several different cross sections of not only El Dorado citizens but also business and agricultural enthusiasts. Beyond the initial impact of the Farmer's Market space, the purchase of the lumber warehouse provides valuable opportunities for future growth.

The income projection provided in Section VI. Financial Plan, is a conservative projection accounting for a sixteen week market season during which the market is open only on Saturdays. In addition to the projected market income, the table includes only four additional space rentals during the year. These conservative projections have the building occupied on 38% of Saturdays over the course of the year.

Farmer's Markets often operate two nights per-week in addition to their regular Saturday offerings. Said markets are often outside and unprotected from elements. The Community Market Facility, while not heated and cooled, offers an indoor space that can be utilized year round and during weekday evenings. The ability to provide space for winter market space will be a unique trait to the El Dorado Farmers Market providing the market board an inherent growth prospect.

Outside events will also benefit from a large indoor space with ample parking and easy access to outdoor park space. The proximity to downtown will make the Community Market Facility an asset to established events in El Dorado including but not limited to Frontier Western Celebration, Chamber of Commerce Car Show, Flint Hills Art Fest and El Dorado Lunch Box. Increased special events will make El Dorado a more attractive destination for traveling vintage markets and specialized craft shows.

The space will also reduce the burden currently placed on the El Dorado Train Depot. The Depot is utilized regularly throughout the year for craft fairs, flea markets and secondhand sales. Unfortunately the depot space is not designed for large crowds from both a capacity and parking perspective. The additional space at an affordable price provided by the Community Market Facility will make it an attractive destination for those events.

All of the aforementioned additional uses of the Community Market Facility beyond the projections provided will increase displaced and new sales tax income while also contributing to the special event line item. These additional funds can be used to offset overhead costs for the City and continued site development.

The Community Market Facility has two distinct spaces that can be utilized by the City of El Dorado. The first space slated for use is the old lumber yard. The building is also equipped with a large office area including store front, individual offices, and an upper level that may be developed into storage and conference space. As the City grows its Convention and Visitors Bureau this will be an ideal office location. The combination of meeting, event, and office space makes the Community Market Facility the ideal location for future growth of City Department needs.

Finally, the Seth Frazier Lumber Yard is a registered historic building located in our designated historic downtown area. The revitalization of the lumber yard space into a community market increases state, federal, and private grant prospects. Partnerships with El Dorado, Inc., El Dorado Main Street, and the Butler County K-State Extension Office will only serve to benefit the City of El Dorado in grant proposal endeavors.

THE CITY/COUNTY OF EL DORADO, KANSAS

RESOLUTION NO. _____

RESOLUTION CERTIFYING LEGAL AUTHORITY
TO APPLY FOR THE 2015 KANSAS
SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
FROM THE KANSAS DEPARTMENT OF COMMERCE
AND AUTHORIZING THE MAYOR/COMMISSIONER
TO SIGN AND SUBMIT SUCH AN APPLICATION

WHEREAS, The City/County of El Dorado, Kansas, is a legal governmental entity as provided by the laws of the STATE OF KANSAS, and

WHEREAS, The City/County of El Dorado, Kansas, intends to submit an application for assistance from the 2015 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

THE APPLICANT hereby certifies that the City/County of El Dorado, Kansas, is a legal governmental entity under the status of the laws of the STATE OF KANSAS and thereby has the authority to apply for assistance from the 2015 KANSAS SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

THE APPLICANT hereby authorizes the MAYOR/COMMISSIONER of El Dorado, Kansas, to act as the applicant's official representative in signing and submitting an application for the assistance to the 2015 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

THE APPLICANT hereby dedicates $577,600 in cash funds toward this project and $-0- in force account labor for same.

APPROVED BY THE GOVERNING BODY OF THE CITY/COUNTY OF EL DORADO, KANSAS, this ________ day of_________________, 20____.

APPROVED ______________________
MAYOR/COMMISSIONER

ATTEST ______________________

(SEAL)

THE CITY/COUNTY OF EL DORADO, KANSAS

CITY/COUNTY OF EL DORADO, KANSAS

RESOLUTION NO. _____

A RESOLUTION ASSURING THE KANSAS DEPARTMENT OF COMMERCE THAT FUNDS WILL BE CONTINUALLY PROVIDED FOR THE OPERATION AND MAINTENANCE OF IMPROVEMENTS TO THE SEWER SYSTEM TO BE FINANCED WITH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

WHEREAS, The City/County of El Dorado is applying for Small Cities Community Development Block Grant funds under the Community Improvement Category, as administered by the Kansas Department of Commerce; and,

WHEREAS, The City/County of El Dorado wishes to utilize this funding for the purpose of constructing improvements to the city's/county's sewer system, as described in the Community Development Block Grant application submitted to the Kansas Department of Commerce; and,

WHEREAS, The City/County of El Dorado has determined that the annual operation and maintenance costs of the sewer system improvements are anticipated to be approximately $10,728; and,

WHEREAS, The annual sewer budget has been determined to be adequate to fund the operation and maintenance of the sewer system,

NOW, THEREFORE, BE IT RESOLVED THAT: The Governing Body of the City/County of El Dorado, Kansas, hereby assures the Kansas Department of Commerce that sufficient funds will be provided for the continued operation and maintenance of the above described improvement; that these operation and maintenance costs will be reviewed annually; and that the budget will be adjusted, when necessary, to reflect and cover any increase in costs.

ADOPTED BY THE GOVERNING BODY OF THE CITY/COUNTY OF EL DORADO, KANSAS THIS _____ DAY OF ________________, 20____.

ATTEST:

____
MAYOR/COMMISSIONER

____
CITY CLERK/COUNTY CLERK

(SEAL)

Gilmore & Bell, P.C.
00/00/0000

EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF EL DORADO, KANSAS
HELD ON SEPTEMBER 15, 2014

The governing body met in regular session at the usual meeting place in the City, at 7:00 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, pursuant to a notice duly published in the ***Butler County Times-Gazette***, the Mayor opened the public hearing and announced that anyone desiring to be heard in connection with the advisability of making the following described improvements (the "Improvements"):

Paving Atchison Street from Locust to Cave Springs and paving Cave Springs from Atchison Street to Denver (Project No. 354)

would now be heard.

Thereafter, the Mayor adjourned the public hearing.

* * * * * * * * * * * * * *

(Other Proceedings)

Thereupon, there was presented a Resolution entitled:

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS FOR THE CITY OF EL DORADO, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS, SUBJECT TO PROTEST (PAVING IMPROVEMENTS/PROJECT NO. 354).

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 Resolution having been adopted by majority vote of the members elect of the governing body, it was given No. ______; was directed to be signed by the Mayor and attested by the City Clerk; and the City Clerk was further directed to cause the publication of the Resolution one time in the official City newspaper and to record the Resolution in the Office of the Register of Deeds of Butler County, Kansas, all as required by law and as set forth in the Resolution. The City Clerk was further directed to advise the governing body at the end of the protest period as to whether or not a protest petition has been filed thereto.

* * * * * * * * * * * * * *

(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

NOTE: To be recorded with the Register of Deeds of Butler County, Kansas

(Published in the ***Butler County Times-Gazette*** on September 20, 2014)

RESOLUTION NO. ______

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS FOR THE CITY OF EL DORADO, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS, SUBJECT TO PROTEST (PAVING IMPROVEMENTS/PROJECT NO. 354).

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") has heretofore by Resolution No. ______, directed and ordered a public hearing on the advisability of certain internal improvements in the City, pursuant to the Act; and providing for the giving of notice of said public hearing in the manner required by the Act; and

WHEREAS, a Notice of Public Hearing was duly published once each week for two (2) consecutive weeks in the ***Butler County Times-Gazette***, the official newspaper of the City in accordance with the Act; and

WHEREAS, said public hearing was duly held this date, pursuant to such notice; and

WHEREAS, the Act provides that the governing body may, by a majority vote of the entire members-elect thereof, at any time within six (6) months after the final adjournment of the hearing on the advisability of making improvements, adopt a resolution authorizing the improvements in accordance with the findings of the governing body upon the advisability of the improvements, which resolution shall be effective upon publication once in the official City newspaper; provided, the improvements shall not be commenced if, within twenty (20) days after publication of the resolution ordering the improvement, written protests signed by both fifty-one per cent (51%) or more of the resident owners of record of property within the improvement district and the owners of record of more than half of the total area of such improvement district are filed with the City Clerk; and

WHEREAS, the governing body hereby finds and determines it to be necessary to make its findings, by resolution, as to the advisability of the proposed improvement, the general nature of the proposed improvement; the estimated or probable cost of the proposed improvement; the extent of the proposed improvement district to be assessed for the cost of the proposed improvement; the proposed method of assessment; and the proposed apportionment of the cost between the improvement district and the City-at-large; and further finds and determines it to be necessary to authorize the making of the improvements, by Resolution, in accordance with its findings, subject to the filing of protest thereto, and to provide for the publication thereof, all as required by the Act.

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

Section 1. **Findings of Advisability**. The governing body hereby finds and finally determines that:

(a) It is advisable to make the following improvements (the "Improvements"):

Paving Atchison Street from Locust to Cave Springs and paving Cave Springs from Atchison Street to Denver (Project No. 354).

(b) The estimated or probable cost of the Improvements is: $280,105.47, to be increased at the pro rata rate of 1 percent per month from and after the date of adoption of this Resolution.

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

See ***Exhibit A*** attached hereto.

(d) The method of assessment is the owners of the property within the Improvement District shall pay for the cost of curb and gutter improvements on a linear front foot basis, plus the cost of driveway aproaches for driveways serving each specific ownership. The City-at-large shall pay the remainder of the paving and associated drainage costs.

(e) The proposed apportionment of the cost of the Improvements between the Improvement District and the City-at-large is: $235,609.87 or approximately 84% to be assessed against the Improvement District and $44,496.72 or approximately 16% to be paid by the City-at-large.

Section 2. **Authorization of Improvements**. The Improvements are hereby authorized and ordered to be made in accordance with the findings of the governing body as set forth in ***Section 1*** of this Resolution; except that, the Improvement shall not be commenced if, within twenty (20) days after publication of this Resolution, written protests signed by both fifty-one per cent (51%) or more of the resident owners of record of property within the Improvement District ***and*** the owners of record of more than half of the total area of the Improvement District are filed with the City Clerk. The City Clerk shall report to the governing body at the end of said protest period as to whether or not any such protest petition has been filed.

Section 3. **Bond Authority; Reimbursement**. The Act provides for the costs of the Improvements, interest on interim financing and associated financing costs to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation 1.150-2.

Section 4. **Effective Date**. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Butler County, Kansas, and shall be effective upon publication.

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ADOPTED by the governing body of the City on September 15, 2014.

(SEAL)

By: ______________________________
Name: Michael A. Fagg
Title: Mayor

ATTEST:

By: ______________________________
Name: Tabitha Sharp
Title: 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 15, 2014, as the same appears of record in my office.

DATED: September 15, 2014.

By: ______________________________
Name: Tabitha Sharp
Title: Clerk

EXHIBIT A

IMPROVEMENT DISTRICT
DESCRIPTION

The following described property in the City of El Dorado, Butler County, Kansas:

N 55 Lot 4 Block 22
Wilsons Addition
503 S Atchison

N 43.5 Lt 3 S11 Lt 4 Blk 22
Wilsons Addition
505 S Atchison

N 32 Lt 2 S22.5 Lt 3 Blk 22
Wisons Addition
509 S Atchison

N 16 Lt 1 S34 Lt 2 Blk 22
Wilsons Addition
517 S Atchison

S 50 Lt 1 Blk 22
Wilsons Addition
525 S Atchison

W 56 Lot 4 Block 21
Wilsons Addition
637 W Locust

Lt 3 E 53.75 N 36 Lt 2 Blk 21
Wilsons Addition
510 S Atchison

W 103 N 41 Lt 2 Blk 21
Wilsons Addition
512 S Atchison

W 1/2 Lt 1 W 103 S 25 Lt 2 Blk 21
Wilsons Addition
524 S Atchison

E 1/2 Lt 1 E53.75 S 30 Lt 2 Blk 21
Wilsons Addition
610 W Cave Springs

W 100 S130 Blk 33
El Dorado Original Town
608 W Cave Springs

E 100 S 110 Blk 33
El Dorado Original Town
521 S Denver

Lt 1 N 15.75 Lt 2 Blk 30
Mllheisler Subdivision
601 S Denver

Lt 10 E 20 Lt 11 Blk 30
Millheisler Subdivision
615 W Cave Springs

Lt 12 W 20 Lt 11 Blk 30
Millheisler Subdivision
621 W Cave Springs

Lt 13 & 14 Blk 30
Millheisler Subdivision
602 S Atchison

CERTIFICATE OF NO PROTEST

STATE OF KANSAS)
) ss:
COUNTY OF BUTLER)

I, the City Clerk of the City of El Dorado, Kansas, do hereby certify that Resolution No. ______ authorizing the paving of Atchison and Cave Spring, was duly published once in the ***Butler County Times-Gazette***, the official newspaper of the City, on September 20, 2014, as required by law; that more than twenty (20) days has elapsed from the date of said publication; and that there has been no sufficient written protest against the making of said improvements filed in the office of the City Clerk in accordance with K.S.A. 12-6a01 *et seq*.

WITNESS my hand and official seal on ______________________.

(Seal)

____
Tabitha Sharp, City Clerk
City of El Dorado, Kansas

(Signature page to Resolution)