

EL DORADO CITY COMMISSION – REGULAR MEETING AGENDA
CITY HALL – 220 E. FIRST AVENUE
January 22, 2019 – 6:30 PM

- 1. Call to Order**
- 2. Roll Call**
- 3. Invocation –**
- 4. Pledge of Allegiance**

Proclamations and Recognition

- 5. None**

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

- 6. None**

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

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

- 8. City Commission Minutes from**

Old Business

- 9. None**

New Business

- 10. Department presentations for Public Utilities and Parks and Recreation**
- 11. Application to rezone 1237 W First Avenue**
- 12. Public Hearing for Project Nos. 421, 422, 443, 444, 436, 437, 523, 513, 514 & 535**
- 13. Resolution of Support for Tax Credit Application**

Reports

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

Executive Session

- 16. None**

Adjournment

- 17. Consideration of a motion to adjourn the January 22, 2019 regular meeting**

PUBLIC COMMENT POLICY:

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

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

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

EL DORADO CITY COMMISSION MEETING

January 7, 2018

The El Dorado City Commission met in a regular session on January 7, 2018 at 6:30 p.m. in the Commission Room with the following present: Mayor Vince Haines, Commissioner Matt Guthrie, Commissioner Gregg Lewis, Commissioner Nick Badwey, Commissioner Kendra Wilkinson, City Manager David Dillner, City Attorney Ashlyn Lindskog, City Engineer Scott Rickard and City Clerk Tabitha Sharp.

VISITORS

Deanna Bonn	Everyday El Dorado	El Dorado, KS
Norman C	626 S Topeka	El Dorado, KS
Don Wedel	3171 SE Sage	El Dorado, KS
Tammy Schaffer	220 E 1 st	El Dorado, KS
Curt Zieman	128 N Vine	El Dorado, KS
Kevin Wishart	220 E 1 st	El Dorado, KS
Brad Meyer	222 E 2 nd	El Dorado, KS
Linda Clark	112 Rim Rock Rd	El Dorado, KS
Lee White	Butler County Watchdog	El Dorado, KS

CALL TO ORDER

Mayor Vince Haines called the January 7, 2018 meeting to order.

INVOCATION

Mother Christine Gilson, Trinity Episcopal Church, opened the meeting with an invocation.

PLEDGE OF ALLEGIANCE

The City Commission led the Pledge of Allegiance.

PUBLIC COMMENT

Mayor Vince Haines opened the floor for public comment.

There were no comments.

CONSENT AGENDA

Approval of City Commission Meeting Minutes for December 17, 2018.

Approval of Appropriation Ordinance No. 12-18 in the amount of \$1,760,747.59.

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

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

DEPARTMENT PRESENTATIONS FOR PUBLIC WORKS AND ENGINEERING

The City Commission tabled this item.

GREAT LIFE GOLF AGREEMENT

City Manager David Dillner stated that there is an agreement included in the agenda packet providing a proposal to purchase the golf course. He stated that the agreement includes personal and intangible property.

City Manager Dillner reviewed the proposal that has been previously discussed by the Prairie Trails Advisory Board and the City Commission. He stated that there are two rights of refusal included. The first right of refusal pertains to the operation of the golf course as a golf facility and will last for seven years. He stated at the end of the seven year period, we still have a right of first refusal, but it will be sold at market value. He stated that if they decide to sell the facility as a golf course to another company, we will have the right to either meet or exceed that offer to keep the course.

Mayor Vince Haines asked if the land should be included in the agreement like the equipment is.

City Manager Dillner stated the challenge in that is that the \$550,000 includes the land but it isn't associated with a figure.

City Attorney Ashlyn Lindskog asked for clarification.

Mayor Haines stated he would like to see it separated into real property and personal property.

City Attorney Lindskog stated that the 5% reduction takes into account those assets.

Commissioner Matt Guthrie stated that he felt like the number associated with the equipment would be miniscule.

City Attorney Lindskog stated that the purchase price is for the facilities, which includes the personal and real property. She stated that the way it is drafted now, they will give us everything back plus the improvements, minus the five percent for the depreciation of the assets. She stated that it is the simplest way to account for those assets without going out and having them all valued.

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January 7, 2018

Commissioner Nick Badwey stated that he didn't think it would be worth much either. He stated that if we sell it with a tee mower, he expects that if we buy it back, we will buy back a tee mower. He stated that in his opinion, this agreement will protect the land, we will have to purchase equipment if we purchase it back.

City Attorney Lindskog stated that the agreement really protects land use.

Mayor Haines asked if GreatLife sells to another entity and the City chooses not to exercise the right to purchase, can we insert a right of first refusal into their agreement with a new purchaser.

City Attorney Lindskog stated that we might be able to negotiate something with the new company at that point.

Mayor Haines asked if there was a restriction or covenant that could be placed in the platting.

City Engineer Scott Rickard stated that he didn't think we could with the plat, it might be possible with the deed.

City Attorney Lindskog stated that the right of first refusal is the best way, she stated that the courts would not approve the plat. She clarified that the right of first refusal continues as long as GreatLife has it.

Mayor Haines stated that he thought it ended after seven years.

City Attorney Lindskog stated that the formula ends after seven years, the right of first refusal continues but at market value after the seven years ends.

Commissioner Badwey stated that he thought we had all of the protection we could get under the current agreement.

City Attorney Lindskog stated that GreatLife and their lender do not want property that is encumbered by numerous provisions. She stated that these two provisions were an effort to meet them in the middle.

Commissioner Guthrie asked if the attorney felt the City was covered.

City Attorney Lindskog stated that she felt the City was covered as far as GreatLife was willing to go. She stated that she felt we would get push back from GreatLife if we ask for more.

City Attorney Lindskog stated that the property sale will not close until the plat is complete. She stated that the motion will give staff the authority to execute the agreement. She

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stated that there is a simple lease allowing GreatLife to come in and manage up until the date of the approved plat and closing.

Commissioner Badwey asked if the plat primarily covered the bike path.

City Engineer Rickard stated that it includes infrastructure such as utilities and the bike path. He stated that the physical work of the survey is complete. He stated that it will be at the Planning Commission in February as a preliminary and final plat at the same meeting.

Commissioner Guthrie asked if there was anything in the platting that could jeopardize the deal.

City Engineer Rickard stated that it is just looking at boundaries and easements. He stated that some of the improvements were made after our purchase and so we didn't file those easements on ourselves. He stated that he felt it would not be an issue. He stated that the most difficult topic has been Country Club Lane which is not technically a public right of way but has served the public for a long time.

City Attorney Lindskog stated that the lease agreement isn't complete from GreatLife yet.

City Manager Dillner stated that they have to provide escrow funds and the lease agreement. He stated that the motion requires those items to be completed prior to the City Manager signing the agreement.

Commissioner Gregg Lewis asked what will happen to the employees.

City Manager Dillner stated that GreatLife has had discussions with all four full time employees. He stated that if they choose to stay with the City, we will absorb them or they can choose to leave and will be offered a severance package.

Commissioner Lewis asked about the golf cart fleet.

City Manager Dillner stated that we would add them to the list.

Commissioner Matt Guthrie moved to approve the GreatLife Golf Agreement and authorize the City Manager to execute it upon completion of all outstanding requirements and the addition of the golf carts to the equipment list.

Commissioner Nick Badwey seconded the motion.

Motion carried 5 – 0.

SETTING A PUBLIC HEARING FOR PROJECTS 421, 422, 436, 437, 443, 444, 513, 514, 523, AND 538

City Engineer Scott Rickard stated that as we approach the anticipated bond sale, we need to ensure that all of the projects to be included have been through the Commission process. He stated that the Commission needs to set the public hearings so that assessments can be spread. He stated that a letter will be sent to each property owner notifying them of the public hearing.

Mayor Vince Haines clarified that they would have been notified if the projects came in higher.

City Engineer Rickard stated that there would have been an agenda item prior to this one if any of the projects had been over the estimated amount.

Commissioner Nick Badwey moved to set the public hearing for 6:30 p.m. on January 22, 2019 to be held for the purpose of considering the proposed assessments of the cost of Project Numbers: 421, 422, 436, 437, 443, 444, 513, 514, 523, and 538, and further direct individual mailings to each owner liable for the special assessments.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

LEASE AGREEMENT WITH BUTLER RURAL ELECTRIC

City Manager David Dillner stated that the proposed lease agreement is for the south portion of the Civic Center previously leased by the Army Reserve. He stated that the lease will be through

City Manager Dillner stated that the lease payment is \$2,950 per month which will cover property taxes, insurance and maintenance. He stated that we are making some improvements to the property prior to their move, those expenses are embedded into the lease rate so that we can recoup our costs.

Mayor Vince Haines asked if a triple net lease was considered. He stated that he would like to confirm that we don't have to pay taxes.

Commissioner Matt Guthrie asked if there was any money that wasn't attributed to other costs.

City Manager Dillner stated that there would be some.

Commissioner Guthrie asked if it would go to CVB.

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City Manager Dillner stated that it had not yet been decided.

Commissioner Gregg Lewis asked if the fenced area would be available to the public.

City Manager Dillner stated that it would not be open to the public anymore.

Commissioner Lewis asked if they intended to lease the area where the dirt was as well.

City Manager Dillner stated that he didn't know what their long term plans were.

Commissioner Nick Badwey moved approve the lease agreement contingent on modifications with Butler Rural Electric and direct the City Manager to sign the agreement.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

PROPOSED REAL ESTATE CONTRACT

City Manager David Dillner stated that the City in partnership with EL Dorado Inc. were approached to purchase the undeveloped lots in the Griller addition. He stated that the developer would like to apply for tax credits and so he stated that he would like to have some assurance that the property will be his prior to the application. He stated that we do not have an agreement yet, but the deal is contingent on the developer receiving those credits.

City Engineer Scott Rickard stated that the Director of the Kansas Housing Resources Corporation was in El Dorado not long ago and

City Engineer Rickard stated that he will have to re-plat the property because it is not buildable as it is currently platted, he stated that the developer will have to pay for utilities and infrastructure. He stated that this dollar amount will get the City close to the amount we are owed for the specials not paid when the property when to sheriff's sale.

Commissioner Matt Guthrie asked if it was a local developer.

City Manager Dillner stated that they are from Missouri.

Commissioner Guthrie asked if it was offered to local developers.

City Engineer Rickard stated that it has been on the website and we have had for sale signs up in the area.

Mayor Vince Haines clarified that this transaction would make the property whole.

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City Engineer Rickard stated that he thought they would have some specials from the 6th Avenue work. He stated that they will have to pay for new streets that will be built within the area.

Commissioner Gregg Lewis moved to approve the sale of the remaining lots in the Griller Addition and authorize the City Manager to execute the contract upon review by the City Attorney.

Commissioner Matt Guthrie seconded the motion.

Motion carried 5 – 0.

BID APPROVAL, PROJECT NO. 547 – CENTRAL FROM GORDY TO STAR

City Engineer Scott Rickard stated that staff are asking the Commission to consider a bid for repair of the street from Gordy to Star on Central and on Gordy. He stated that a main break lifted the entire area. He stated that the water main work will begin next week, he stated that it is an important main that feeds the west side of town. He stated that they will lay a line parallel to the existing line. He stated that there will be a period of disinfection testing and then they will tie in the meters to the new main. He stated that once that is complete, the old line will be torn out and the road will be torn out.

City Engineer Rickard stated that they discovered after repairing the line that the four inch line had been damaged by electrolysis, so it has to be replaced as well. He stated that it will be less intrusive and can be replaced with just a ditch being dug.

Mayor Vince Haines asked if it would just replace the two west bound lanes.

City Engineer Rickard stated that they will replace those two lanes and part of the turning lane with six inches of aggregate base and nine inches of asphalt. He stated that the cost of the water line will be paid from the water utility and the road with sales tax funds.

Mayor Haines asked if they will put in new water mains.

City Engineer Rickard stated that while looking at improvements to the storm sewer in the future, we will likely include new mains then.

Commissioner Nick Badwey commended staff for working all day on a holiday weekend to repair this problem.

Commissioner Matt Guthrie moved to approve the bid for Project #547 from Flint Hills Materials for \$144,459 and direct the City Manager to award the contract to said contractor providing that the company furnish the proper bonds.

Commissioner Nick Badwey seconded the motion.

Motion carried 5 – 0.

REPORTS

CITY COMMISSION

Mayor Vince Haines asked when the vice mayor would be appointed.

City Clerk Tabitha Sharp stated that it will either be on the next agenda or the one after, depending upon the advisory board appointments.

CITY MANAGER

City Manager David Dillner stated that the new bill format is out. He stated that this month's bill includes the newsletter and the citizen survey. He encouraged people to fill out the survey to be eligible for up to \$1,200 in free utilities.

City Manager Dillner stated that the State of the City will be on January 31st at 4 p.m. at the Civic Center.

EXECUTIVE SESSION

Commissioner Nick Badwey moved to recess into executive session pursuant to the non-elected personnel exception under K.S.A. 75-4319(b)(1) for the purposes of discussing the City Manager's annual evaluation and to reconvene the meeting at 8:05 p.m. in the City Commission Room.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

Mayor Vince Haines called the meeting back to order at 8:05 p.m.

Commissioner Nick Badwey moved to approve the employment contract with the City Manager and directed the Mayor to sign said contract.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

ADJOURNMENT

Commissioner Nick Badwey moved to adjourn the meeting at 8:06 p.m.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

City Clerk Tabitha D. Sharp

Mayor Vince Haines

2018 Commission Priorities

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

TO: City Commission
FROM: David Dillner, City Manager
SUBJ: Department Presentations
DATE: January 14, 2019

Background:

Each department provides a brief presentation for the City Commission and the citizens. They have been asked to provide 1) a summary of the past year's accomplishments; 2) a brief summary of projects and initiatives planned for the upcoming year; and 3) a brief summary of major trends/challenges affecting the department's operations.

The Public Utilities and Parks and Recreation departments are scheduled for the January 22nd meeting.

Policy Issue:

None

Fiscal Impact:

None

Trade-offs:

None

Staff Recommendation:

None

Commission Actions:

None

2018 Commission Priorities

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

TO: City Commission
FROM: Engineering
SUBJ: Application to Rezone 1237 W First Ave
DATE: January 14, 2019

Background:

The Planning Commission held a public hearing on December 13th, 2018, to review an application to rezone 1237 W. First Avenue from Low Density Residential (R-1) to Multiple Family Dwelling District (R-3). The Planning Commission voted to unanimously recommend approval of the rezoning application. The staff memo, map, and Planning Commission minutes are attached.

Policy Issue:

Zoning districts restrict properties to a specific set of land uses. Most rezoning applications, such as this one, request a zoning district that is less restrictive and allows an increase in land use intensity.

Alternatives:

Not applicable.

Fiscal Impact:

Approval of the zoning map amendment will create little to no fiscal impact on the City of El Dorado at this time. The City has anticipated development in this area and ensured adequate utility capacity is available.

Trade-offs:

The decision of a governing body to approve zoning districts of higher intensities ultimately encourages and broadens the range of development opportunities. In such instances, this requires balancing community benefits with potential impacts on neighboring properties and municipal infrastructure.

Staff Recommendation:

Approve the rezoning application.

Commission Actions:

Commissioner _____ moved to approve Case No. 18-04-REZ, requesting a rezoning of 1237 W. First Avenue to R-3 Multiple Family Dwelling District and that Ordinance No. _____ be approved.

Commissioner _____ seconded the motion.

ROLL CALL VOTE

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

PLANNING COMMISSION MEMORANDUM

TO: Planning Commission
FROM: Jay Shivers, AICP, City Planner
CC: Scott Rickard, Engineering Director
RE: Zone Change Application – 1237 W. First Avenue

Gerald Watson is requesting a zone change from R-1 Low Density Residential District to R-3 Multiple Family Dwelling District at 1237 W. First Avenue. The half-acre property currently has a single-family residential structure. The applicant is requesting R-3 to potentially build duplexes for senior housing on the property in the future. R-3 zoning allows all levels of residential, such as single-family, two-family (duplex), and multifamily residential.

The regulations state the Planning Commission shall make findings of fact to determine whether the application is found to be compatible with the following:

Character of the neighborhood.

The existing land uses in the immediate area consist of single-family residential with a mix of single-family and commercial to the south along W. Central Avenue. Zoning in the area is primarily R-1 to the north and east of the subject property, a mix of R-1, R-3, and C-1 to the south along W. Central Avenue, and R-1 and R-3 to the west around Residence Street.

Consistency with the Comprehensive Plan and ordinances of the City of El Dorado.

The Comprehensive Plan Vision Statement calls for improved availability and variety of quality new housing options. The Future Land Use Map (FLUM) designates the subject property as Low Density Residential, defined as “single or two-family residential land uses with a density generally no greater than eight units per acre. The FLUM also calls for Commercial and Neighborhood Mixed Use within the same block.

Adequacy of public utilities and other needed public services.

The City of El Dorado has infrastructure in place and capacity available for higher intensity land uses at this location.

Suitability of the uses to which the property has been restricted under its existing zoning.

R-1 is one of the most restrictive zoning districts in the zoning ordinance. The property is generally restricted to its current use, single-family residential. In-home daycare and group homes are allowed by right. Institutional uses are possible with a Special Use Permit (SUP), but lot size is likely inadequate for such developments. An accessory apartment is also possible with a SUP.

Length of time property has remained vacant as zoned.

Not applicable – the home on the property was built in 1997.

Compatibility of the proposed district classification with nearby properties.

This block is currently a mix of land uses and zoning districts. The southern boundary of the block abuts W. Central Avenue, an arterial road that promotes higher intensity land uses and access. The Comprehensive Plan recognizes medium and high density residential as a form of buffer from commercial corridors, such as W. Central Avenue, and low density residential. Lots to the south and southwest of the subject property are currently zoned for all levels of residential.

The extent to which the zoning amendment may detrimentally affect nearby properties.

Rezoning to higher densities may introduce negative impacts to neighboring properties, including additional traffic and noise, if developed to its full potential. Despite the multifamily zoning, development standards such as density limits and parking requirements would limit overall development on the site unless combined with adjacent properties.

The zoning ordinance requires screening where high intensity zoning districts are developed next to lower intensity zoning districts. This transitional buffer requirement can be a planting screen, landscaped berm, or privacy fence. The intent of this transitional buffer requirement is to reduce negative impacts on neighboring properties from the possibility of higher density development next door.

Whether the proposed amendment provides a disproportionately great loss to the individual land owners nearby relative to the public gain.

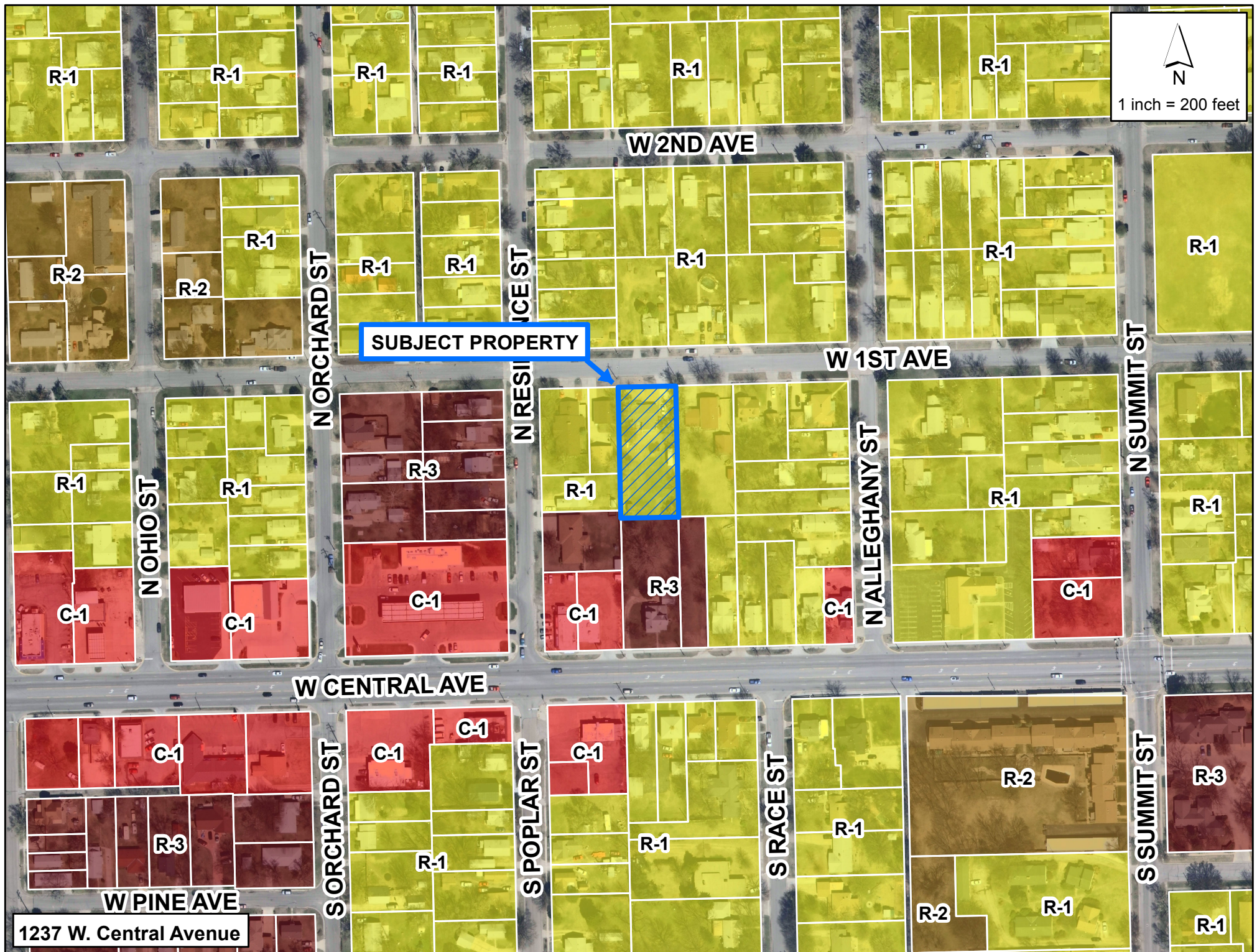
The potential benefit of this rezoning includes redevelopment of a single-family lot into newer residential options for the citizens of El Dorado. The focus of the applicant on senior housing is in line with national trends towards more senior housing development. Residential redevelopment at any level would provide newer housing options, whereas 65% of current housing within El Dorado was built prior to 1959 and 85% built before 1979. Furthermore, potential rental development would help with high occupancy rates among El Dorado's residential rental market. It is staff opinion that the installation of screening and buffering will reduce the impacts of higher density development on this lot and not cause a disproportionately great loss to surrounding landowners.

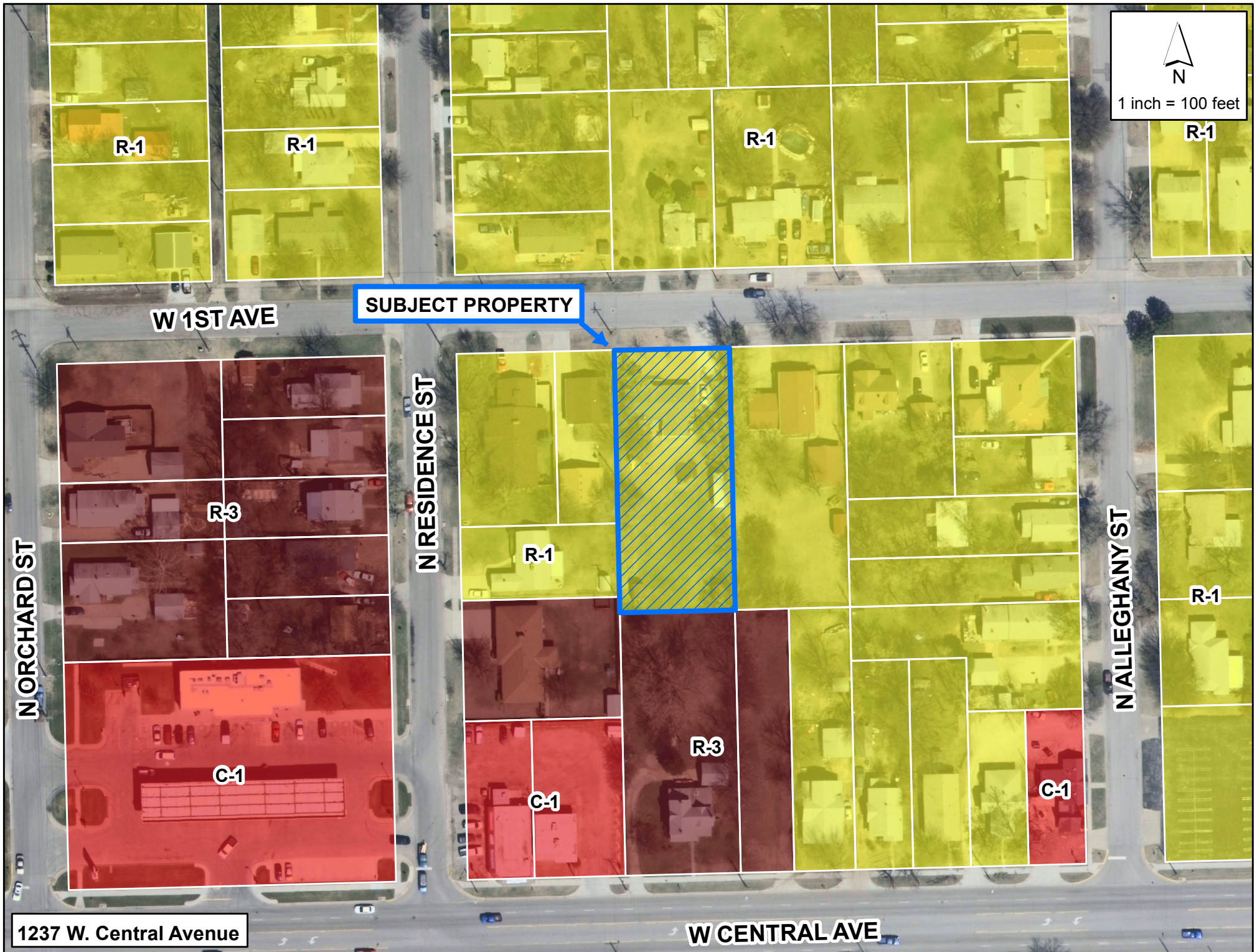
The proposed zoning conforms to the Comprehensive Plan, would increase development intensity near a major arterial, and meet market needs for El Dorado. For these reasons and those discussed in the above criteria, staff supports the request.

Adoption of this amendment requires a majority vote of the Planning Commission members present and voting.

Suggested Motion:

I move to recommend approval of Case No. 18-04-REZ, an application by Gerald Watson to rezone 1237 W. First Avenue, from R-1 Low Density Residential District to R-3 Multiple Family Dwelling District, for reasons stated in the staff recommendation and heard at this public hearing.





EVERETTA GURNEY
130 N. Residence
El Dorado, Kansas 67042

December 7, 2018

Planning Commission
El Dorado, Kansas

RE: Proposed Rezoning of 1237 W. First Ave., El Dorado, KS

Dear Planning Commission:

I am writing to express my concerns regarding the proposed rezoning of 1237 W. First Avenue, El Dorado, Kansas from R-1 Low Density Residential District to R-3 Multiple Family Dwelling District. I live west of this parcel and my backyard abuts the property.

My first concern is the increased chance of flooding that a multiple family dwelling would bring to my property. My backyard sits low and I have had trouble in the past with it filling with water to the extent that the water breached my back porch. I have had some trench work done and the City has performed some work to help prevent future flooding. There has been no drainage study done regarding any additional structures, so I am very concerned that the building of a multiple family dwelling(s), parking lot, and road, especially if these structures have any elevation higher than my property, will cause my property to flood.

An additional concern is that a multiple family dwelling behind my property will result in increased noise and traffic due to the higher concentration of people in a very limited space. There is no proposed site development plan and with no restrictions on the type of development, the change in zoning could detrimentally alter the current character of the neighborhood and not be a suitable use of the property.

Thank you for allowing me to express my concerns. I hope that the Planning Commission will address them as part of their due diligence when considering the proposed zoning change.

Sincerely,

 (Eve)
Everetta Gurney

ORDINANCE NO. _____

AN ORDINANCE ZONING CERTAIN LAND IN THE CITY OF EL DORADO, KANSAS, R-3 MULTIPLE FAMILY DWELLING DISTRICT AND AMENDING THE ZONING MAP OF THE CITY

WHEREAS, it is determined by the Governing Body of the City of El Dorado, Kansas, that certain property located within the City should be zoned;

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

Section 1: That the following described real estate should be and is hereby R-3 Multiple Family Dwelling District:

1237 W. First Street: Fairmount Adams Addition, Beginning NW/C of Block 7, East 96.5', South 220', West 96.5', North 220' to Point of Beginning. Section 3, Township 26, Range 05E

Section 2: The Governing Body hereby directs that the City Zoning map be amended to conform herewith.

Section 3: This Ordinance shall take effect and be in full force from and after its publication once in the official city newspaper.

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

APPROVED by its Mayor, this 22nd day of January, 2019.

Vince Haines, Mayor

ATTEST:

Tabitha Sharp, City Clerk

APPROVED AS TO FORM:

Ashlyn Lindskog, City Attorney



EL DORADO

PLANNING COMMISSION MINUTES

December 13, 2018

6:30 p.m.

1. CALL TO ORDER & ROLL CALL

Chairman Tetrick called the meeting to order at 6:30pm.

Members Present:

Scott Hackler
Scott Leason
Brad Long
Kyle McLaren
David Stewart
Kelly Tetrick

Staff Present:

Jay Shivers

Others Present:

Dixie Frost	1216 W. First
David Frost	1216 W. First
Roger Cutsinger	120 N. Main, Ste. 3
Annette Gurney	6669 N. 127 th St, Wichita
Everetta Gurney	130 N. Residence
Kenneth Strahm	220 Residence
Norman Cullop	1220 W. First

2. APPROVAL OF MINUTES

Commissioner Leason moved to approve the minutes of the November 15th, 2018, Planning Commission meeting, seconded by Commissioner Hackler. The motion was unanimously approved (6-0).

3. NEW BUSINESS

ITEM NO. 1 – CASE NO. 18-04-REZ: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST TO REZONE 1237 W. FIRST AVENUE FROM R-1 LOW DENSITY RESIDENTIAL DISTRICT TO R-3 MULTIPLE FAMILY DWELLING DISTRICT.

Commissioner Stewart stepped out of the meeting to avoid a possible conflict of interest.

- Presentation of Request

Jay Shivers provided an overview of the staff memo.

Roger Cutsinger spoke next, representing the applicant, Gerald Watson. Mr. Cutsinger informed the Commission that Mr. Watson was in the hospital and could not attend the meeting. Mr. Cutsinger said Mr. Watson is in the process of purchasing the lot to the south, which is currently zoned R-3. Mr. Watson is not planning an apartment complex but senior housing in the form of twin homes. Mr. Cutsinger said utilities are available and drainage problems will be addressed at the site plan review level with runoff diverted to First St. or south to W. Central. He said there is a driveway proposed to run north/south connecting First and Central on the east side of the properties and to provide adequate ingress and egress. Mr. Cutsinger said he has worked on other projects with Mr. Watson and he always does things first class. He said it will be a good addition to the area.

Commissioner Hackler asked if the driveway would allow residents access to both First and Central. Mr. Cutsinger confirmed that is the plan. Mr. Shivers said it would be private access and not a city right-of-way.

Commissioner Long asked if it would have street lights or if the City is involved as far as curb and gutter. Mr. Shivers said it would be private like some other townhouse developments where the drives and parking are private and maintained by the development. The City would not build or maintain the drive. Mr. Cutsinger said there would be a homeowners association to maintain the area.

Commissioner Long asked how many units Mr. Watson is considering. Mr. Cutsinger said he is looking at four twin homes. Chairman Tetrick asked if they would be only on the north lot or both lots. Mr. Cutsinger said across both lots. Mr. Shivers said he hasn't talked about the southern lot since it is not part of the rezoning request.

Commissioner Long asked how wide the property is. Mr. Cutsinger said it is 96.5 feet and showed the Planning Commission a sketch of the site plan. Mr. Shivers reminded the Commission that they are reviewing the zoning district, not a site plan.

Commissioner Hackler asked if the driveway would have to be paved. Mr. Shivers said it would have to be paved. Commissioner Hackler asked if the twin homes would have garages. Mr. Cutsinger said they would.

Commissioner Long asked where the screening would be required. Mr. Shivers said it is required anywhere the R-3 abuts R-1, in this case the west and east boundaries. He said the southern lot is already next to R-3 and would not have to be screened, though he thought Mr. Watson planned to screen it anyway.

- Public Hearing

Chairman Tetrick opened the public hearing. David Frost, 1216 First, said the prior occupants before Mr. Watson caused a lot of problems. There was a lot of foot traffic there and on Residence by shady people in and out of rental houses. He said duplexes will be more of the same.

Annette Gurney, representing Eve Gurney at 130 N. Residence, said the rezoning could bring a lot of activity that would be wedged between single family housing. The back yards are low and have flooded in the past. The city has done work to help with the flooding in the past. The concern is if there is an increase in elevation or surfaces that will create more flooding problems. She asked if there was a limited use permit that could limit the uses on the property. She said it would disrupt the character of the area.

Todd Plummer said his mother lives at 130 N. Residence and First Street already has flooding problems and that if Mr. Watson doesn't purchase the south lot then the runoff will have to go to First. He asked if there is an easement on the property. Mr. Shivers said there is a utility easement on the property. Mr. Plummer asked how wide the road would be. Mr. Shivers said it is only a preliminary site plan. Mr. Shivers said at the rezoning level the Commission only reviews land uses. The site plan review and building permits are separate from the rezoning process. He said if the rezoning is approved, the applicant must submit a site plan showing elevations and drainage to show that new runoff isn't pushed onto neighboring properties. The property lines, structures, drives, etc are reviewed at that time, including density limits that place a cap on how much a single property can be developed. Mr. Plummer showed the Commission pictures of flooding in the area.

Ken Strahm, residing at 220 Residence, said the area is full of rental properties and traffic. He said he is concerned about more rental housing. He likes the idea of senior housing but it may not turn out that way.

Norman Cullop, 1220 W. First, said he is against changing the zoning.

Being no one else to speak, the public hearing was closed.

- Discussion by Planning Commission

Commission Hackler asked if there was any way to limit development to what Mr. Watson proposes. Mr. Shivers said they only approve a range of land uses and not specific developments. Mr. Cutsinger clarified that Mr. Watson is not planning to rent the units, they will be sold as senior housing. Commissioner Hackler asked if it would be similar to the N. Gordy senior housing. Mr. Cutsinger said it would.

Commissioner McLaren asked if he would still own the land. Mr. Cutsinger said the HOA would own the land around the twin homes.

Commissioner Long asked if they had a size for the homes. Mr. Cutsinger said it's not 100% and did not bring that info with him. Commissioner Long said he didn't think runoff will be an issue since the City will address that. He said this development shouldn't make anything worse. Mr. Shivers said that the city engineer is aware of current drainage problems and the city has regulations for new development to prevent increasing runoff.

Mr. Cutsinger said if anyone wants to see the quality of Mr. Watson's past developments, he built the subdivision east of the airport.

Commissioner Hackler asked about house prices. Mr. Cutsinger said they'd be two bedroom and a garage but don't have a price yet.

Commissioner Hackler said he understands the neighbor concerns and is aware of issues in the area including drainage. He said new housing that is not rentals will be good, even though there is no guarantee on what is built.

Chairman Tetrick agreed and said there could be some positives depending on what is built and said R-3 could improve drainage through the site plan review process.

Commissioner Hackler and various attendees discussed drainage flow in the area.

Chairman Tetrick asked if Mr. Watson cannot acquire the south parcel, how will it affect his plan. Mr. Shivers said he thought the plan was based on both parcels and having the interior drive connecting to Central.

Various attendees talked about the south parcel and if they thought the owners were selling it.

Commissioner Leason said it has no bearing on what they are deciding on at the meeting.

○ Motion

Commissioner Leason moved to recommend approval of Case No. 18-04-REZ, an application by Gerald Watson to rezone 1237 W. First Avenue, from R-1 Low Density Residential District to R-3 Multiple Family Dwelling District, for reasons stated in the staff recommendation and heard at this public hearing, seconded by Commissioner McLaren.

Roll Call Vote

Scott Hackler	Y
Scott Leason	Y
Brad Long	Y
Kyle McLaren	Y
David Stewart	Abstained
Kelly Tetrick	Y

The motion passed unanimously (5-0).

Commissioner Stewart returned to the meeting.

4. OLD BUSINESS

5. STAFF ITEMS

Mr. Shivers updated the Commission on other recent cases.

Continue Discussion on Zoning Regulations Updates

The Planning Commission continued discussion on updates to the zoning ordinance.

- Staff reviewed the issue of portable shipping containers in residential areas and recommended prohibiting them as accessory structures in residential areas while allowing them for temporary uses, such as during moves or home renovations.
- Staff discussed amending by-laws to allow a representative of the Planning Commission to be on the Board of Zoning Appeals.
- Staff and Planning Commission discussed options for side setbacks on detached accessory structures in older, narrow lots. The Commission agreed to move forward with reducing side setbacks to three feet for accessory structures on lots platted prior to 1965.
- Staff and Planning Commission discussed linking accessory structure size to house size and options for larger structures without a SUP.
- The Planning Commission discussed various methods of regulating height, including using peak height, matching roof pitches, and limiting accessory structure peak to the midpoint of the house roof.
- Lastly, the infill housing footprint limits were discussed. Staff provided examples of how it could be applied in various neighborhoods in the city.

After the discussion, the Planning Commission asked to review more examples of how the regulations will apply in various situations, move forward with writing the ordinance language, and to continue discussion at the next meeting.

6. ADJOURNMENT

The meeting adjourned at 8:05pm.

2018 Commission Priorities

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

TO: City Commission
FROM: Scott Rickard, City Engineer
SUBJ: Public hearing for Projects 421, 422, 436, 437, 443, 444, 513, 514, 523, and 538
DATE: January 14, 2019

Background:

The following projects have been completed and staff are ready to hold public hearings regarding the assessments.

- Project No. 421 - Paving Belmont Heights 3rd, Phase 1
- Project No. 422 - Sanitary Sewer Belmont Heights 3rd, Phase 1
- Project No. 436 - Paving Criss 9th
- Project No. 437 - Sanitary Sewer Criss 9th
- Project No. 443 - Paving Belmont Heights 3rd, Phase 2
- Project No. 444 - Sanitary Sewer Belmont Heights 3rd, Phase 2
- Project No. 513 - Country Club Road Extension
- Project No. 514 - Sanitary Sewer Country Club Road
- Project No. 523 - Criss 9th Landscape Wall
- Project No. 538 - Sidewalk & Curb/Gutter Replacement 100Blk W Olive

Policy Issue:

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

Fiscal Impact:

- 421 - The total cost of the project is \$209,384.88. The costs assessed to the improvement district will be \$145,208.97 and city-at-large costs will be \$64,175.91. The total cost of the project will be bonded, therefore allowing the improvement district to pay off the debt over a twenty year period. The city-at-large portion of the bond will be paid off through the bond and interest fund.
- 422 - The total cost of the project is \$56,457.83. The costs assessed to the improvement district will be \$56,457.83 and city-at-large costs will be \$0.00. The total cost of the project will be bonded, therefore allowing the improvement district to pay off the debt over a twenty year period.
- 436 - The total cost of the project is \$460,185.33. The costs assessed to the improvement district will be \$367,531.01 and city-at-large costs will be \$92,639.32. The total cost of the project will be bonded, therefore allowing the improvement district to pay off the debt over a twenty year period. The city-at-large portion of the bond will be paid off through the bond and interest fund.
- 437 - The total cost of the project is \$147,996.89. The costs assessed to the improvement district will be \$147,996.89 and city-at-large costs will be \$0.00. The total cost of the project will be bonded, therefore allowing the improvement district to pay off the debt over a twenty year period.
- 443 - The total cost of the project is \$274,464.23. The costs assessed to the improvement district will be \$151,248.85 and city-at-large costs will be \$123,215.38. The total cost of the project will be bonded, therefore allowing the improvement district to pay off the debt over a twenty year period. The city-at-large portion of the bond will be paid off through the bond and interest fund.

- 444 - The total cost of the project is \$56,674.30. The costs assessed to the improvement district will be \$56,674.30 and city-at-large costs will be \$0.00. The total cost of the project will be bonded, therefore allowing the improvement district to pay off the debt over a twenty year period.
- 513 - The total cost of the project is \$663,845.43. The costs assessed to the improvement district will be \$471,439.20 and city-at-large costs will be \$192,406.23. The total cost of the project will be bonded, therefore allowing the improvement district to pay off the debt over a twenty year period. The city-at-large portion of the bond will be paid off through the bond and interest fund.
- 514 - The total cost of the project is \$306,801.29. The costs assessed to the improvement district will be \$306,801.29 and city-at-large costs will be \$0.00. The total cost of the project will be bonded, therefore allowing the improvement district to pay off the debt over a twenty year period.
- 523 - The total cost of the project is \$17,992.40. The costs assessed to the improvement district will be \$17,992.40 and city-at-large costs will be \$0.00. The total cost of the project will be bonded, therefore allowing the improvement district to pay off the debt over a twenty year period.
- 538 - The total cost of the project is \$12,598.77. The costs assessed to the improvement district will be \$12,058.77 and city-at-large costs will be \$540.00. The total cost of the project will be bonded, therefore allowing the improvement district to pay off the debt over a twenty year period. The city-at-large portion of the bond will be paid off through the bond and interest fund.

Trade-offs:

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

Staff Recommendation:

Hold a public hearing for projects 421, 422, 436, 437, 443, 444, 513, 514, 523, and 538

Commission Actions:

Mayor Vince Haines will open a public hearing.

Commissioner _____ moved to approve Ordinance No. _____, an ordinance levying special assessments on certain property to pay the costs of internal improvements in the City of El Dorado, Kansas, as previously authorized by the city; and providing for the collection of such special assessments.

Commissioner _____ seconded the motion.

ROLL CALL VOTE

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

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF EL DORADO, KANSAS
HELD ON JANUARY 22, 2019**

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

Absent:

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

* * * * *

(Other Proceedings)

The Mayor opened a public hearing for the purpose of receiving written or oral objections and considering proposed assessments for the costs of certain internal improvements previously authorized by the governing body of the City. It was determined by the governing body that notice of the public hearing was duly published and mailed in accordance with K.S.A. 12-6a01 *et seq.* Thereafter, the Mayor adjourned the public hearing.

An Ordinance was presented entitled:

**AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON CERTAIN
PROPERTY TO PAY THE COSTS OF INTERNAL IMPROVEMENTS IN THE
CITY OF EL DORADO, KANSAS, AS PREVIOUSLY AUTHORIZED BY THE
CITY; AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL
ASSESSMENTS.**

The Ordinance was considered and discussed, and on motion of Commissioner _____, seconded by Commissioner _____, the Ordinance was passed by the following vote:

Yea: _____.

Nay: _____.

The Mayor declared the Ordinance duly passed and the Ordinance was then numbered Ordinance No. [____], was signed by the Mayor and attested by the City Clerk and the Ordinance or a summary thereof was directed to be published one time in the official newspaper of the City. The City Clerk was further directed to cause a Notice of Assessment to be mailed to each and all of the known property owners affected thereby on the same date that the Ordinance or a summary thereof is published.

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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)

City Clerk

(Published in the *Butler County Times-Gazette* on January 26, 2019)

ORDINANCE NO. [____]

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON CERTAIN PROPERTY TO PAY THE COSTS OF INTERNAL IMPROVEMENTS IN THE CITY OF EL DORADO, KANSAS, AS PREVIOUSLY AUTHORIZED BY THE CITY; AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL ASSESSMENTS.

WHEREAS, the governing body of the City of El Dorado, Kansas (the “City”) has previously authorized certain internal improvements (the “Improvements”) to be constructed pursuant to K.S.A. 12-6a01 *et seq.* (the “Act”); and

WHEREAS, the governing body has conducted a public hearing in accordance with the Act and desires to levy assessments on certain property benefited by the construction of the Improvements.

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

Section 1. Levy of Assessments. For the purpose of paying the costs of the following described Improvements:

Project No. 421 – Paving Improvements - Belmont Heights 3rd Addition Phase I

Resolution No. 2723
Paving Improvements

Project No. 422 – Sanitary Sewer Improvements - Belmont Heights 3rd Addition Phase I

Resolution No. 2724
Sanitary Sewer Improvements

Project No. 436 – Paving Improvements – Criss 9th Addition

Resolution No. 2734
Paving Improvements

Project No. 437 – Sanitary Sewer Improvements – Criss 9th Addition

Resolution No. 2735
Sanitary Sewer Improvements

Project No. 443 – Paving Improvements – Belmont Heights 3rd Addition Phase II

Resolution No. 2732
Paving Improvements

Project No. 444 – Sanitary Sewer Improvements – Belmont Heights 3rd Addition Phase II

Resolution No. 2733
Sanitary Sewer Improvements

Project No. 513 – Paving Improvements – Country Club Road

Resolution No. 2843
Paving Improvements

Project No. 514 – Sanitary Sewer Improvements – Grandview Extension

Resolution No. 2842
Sanitary Sewer Improvements

Project No. 523 – 12th Avenue Area Wall Improvements – 12th Avenue

Resolution No. 2859
Area Wall / Right of Way Improvements

Project No. 538 – Sidewalk Improvements

Resolution No. 2863
Sidewalk Improvements

there are hereby levied and assessed the amounts (with such clerical or administrative amendments thereto as may be approved by the City Attorney) against the property described on ***Exhibit A*** attached hereto.

Section 2. Payment of Assessments. The amounts so levied and assessed in ***Section 1*** hereof shall be due and payable from and after the date of publication of this Ordinance. Such amounts may be paid in whole or in part within thirty (30) days from the date of publication of this Ordinance or a summary thereof.

Section 3. Notification. The City Clerk shall notify the owners of the properties described in ***Exhibit A*** attached hereto (insofar as known to the City Clerk) of the amounts of their respective assessments. The notice shall also state that unless such assessments are paid within thirty (30) days from the date of publication of this Ordinance or a summary thereof, bonds will be issued therefor, and the amount of such assessment will be collected in installments with interest.

Section 4. Certification. Any amount of special assessments not paid within the time prescribed in ***Section 2*** hereof shall be certified by the City Clerk to the Clerk of Butler County, Kansas, in the same manner and at the same time as other taxes are certified and will be collected in 20 annual installments, together with interest on such amounts at a rate not exceeding the maximum rate therefor as prescribed by the Act. Interest on the assessed amount remaining unpaid between the effective date of

this Ordinance and the date the first installment is payable, but not less than the amount of interest due during the coming year on any outstanding bonds issued to finance the Improvements, shall be added to the first installment. The interest for one year on all unpaid installments shall be added to each subsequent installment until paid.

Section 5. Effective Date. This Ordinance shall take effect and be in force from and after its passage, approval and publication of the Ordinance or a summary thereof once in the official City newspaper.

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PASSED by the governing body of the City on January 22, 2019 and signed by the Mayor.

(SEAL)

Mayor

ATTEST:

City Clerk

CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the original Ordinance; that the Ordinance was passed on January 22, 2019; that the record of the final vote on its passage is found on page ____ of journal ____; and that the Ordinance or a summary thereof was published in the ***Butler County Times-Gazette*** on January 26, 2019.

DATED: January 26, 2019.

City Clerk

EXHIBIT A-1

**PROJECT NO. 421 – PAVING IMPROVEMENTS – BELMONT HEIGHTS
3RD ADDITION PHASE I
RESOLUTION NO. 2723**

Description of Property	Amount of Assessment
Lot 1 Block 1 Belmont Heights 3 rd Addition	\$17,881.12
Lot 2 Block 1 Belmont Heights 3 rd Addition	17,881.12
Lot 3 Block 1 Belmont Heights 3 rd Addition	17,881.12
Lot 1 Block 2 Belmont Heights 3 rd Addition	17,881.12
Lot 2 Block 2 Belmont Heights 3 rd Addition	17,881.12
Lot 1 Block 4 Belmont Heights 3 rd Addition	17,881.12
Lot 2 Block 4 Belmont Heights 3 rd Addition	17,881.12
Lot 5 Block 1 Adams-Weber Addition	17,881.12
Lot 1 Block 2 Adams-Weber Addition	2,160.00

EXHIBIT A-2

**PROJECT NO. 422 – SANITARY SEWER IMPROVEMENTS – BELMONT HEIGHTS
3RD ADDITION PHASE I
RESOLUTION NO. 2724**

Description of Property	Amount of Assessment
Lot 1 Block 1 Belmont Heights 3 rd Addition	\$8,065.40
Lot 2 Block 1 Belmont Heights 3 rd Addition	8,065.40
Lot 3 Block 1 Belmont Heights 3 rd Addition	8,065.40
Lot 1 Block 2 Belmont Heights 3 rd Addition	8,065.40
Lot 2 Block 2 Belmont Heights 3 rd Addition	8,065.40
Lot 1 Block 4 Belmont Heights 3 rd Addition	8,065.40
Lot 2 Block 4 Belmont Heights 3 rd Addition	8,065.40

EXHIBIT A-3

**PROJECT NO. 436 – PAVING IMPROVEMENTS – CRISS 9TH ADDITION
RESOLUTION NO. 2734**

Description of Property	Amount of Assessment
Lot 1 Block 1 Criss 9th Addition	\$16,705.95
Lot 2 Block 1 Criss 9th Addition	16,705.95
Lot 3 Block 1 Criss 9th Addition	16,705.95
Lot 4 Block 1 Criss 9th Addition	16,705.95
Lot 5 Block 1 Criss 9th Addition	16,705.95
Lot 6 Block 1 Criss 9th Addition	16,705.95
Lot 7 Block 1 Criss 9th Addition	16,705.95
Lot 8 Block 1 Criss 9th Addition	16,705.95
Lot 9 Block 1 Criss 9th Addition	16,705.95
Lot 10 Block 1 Criss 9th Addition	16,705.95
Lot 11 Block 1 Criss 9th Addition	16,705.95
Lot 12 Block 1 Criss 9th Addition	16,705.95
Lot 13 Block 1 Criss 9th Addition	16,705.95
Lot 8 Block 2 Criss 9th Addition	16,705.95
Lot 7 Block 2 Criss 9th Addition	16,705.95
Lot 6 Block 2 Criss 9th Addition	16,705.95
Lot 5 Block 2 Criss 9th Addition	16,705.95
Lot 4 Block 2 Criss 9th Addition	16,705.95
Lot 3 Block 2 Criss 9th Addition	16,705.95
Lot 2 Block 2 Criss 9th Addition	16,705.95
Lot 1 Block 2 Criss 9th Addition	16,705.95
Reserve “B” Criss 9th Addition	16,705.95

EXHIBIT A-4

**PROJECT NO. 437 – SANITARY SEWER IMPROVEMENTS – CRISS 9TH ADDITION
RESOLUTION NO. 2735**

Description of Property	Amount of Assessment
Lot 1 Block 1 Criss 9th Addition	\$7,047.47
Lot 2 Block 1 Criss 9th Addition	7,047.47
Lot 3 Block 1 Criss 9th Addition	7,047.47
Lot 4 Block 1 Criss 9th Addition	7,047.47
Lot 5 Block 1 Criss 9th Addition	7,047.47
Lot 6 Block 1 Criss 9th Addition	7,047.47
Lot 7 Block 1 Criss 9th Addition	7,047.47
Lot 8 Block 1 Criss 9th Addition	7,047.47
Lot 9 Block 1 Criss 9th Addition	7,047.47
Lot 10 Block 1 Criss 9th Addition	7,047.47
Lot 11 Block 1 Criss 9th Addition	7,047.47
Lot 12 Block 1 Criss 9th Addition	7,047.47
Lot 13 Block 1 Criss 9th Addition	7,047.47
Lot 8 Block 2 Criss 9th Addition	7,047.47
Lot 7 Block 2 Criss 9th Addition	7,047.47
Lot 6 Block 2 Criss 9th Addition	7,047.47
Lot 5 Block 2 Criss 9th Addition	7,047.47
Lot 4 Block 2 Criss 9th Addition	7,047.47
Lot 3 Block 2 Criss 9th Addition	7,047.47
Lot 2 Block 2 Criss 9th Addition	7,047.47
Lot 1 Block 2 Criss 9th Addition	7,047.47

EXHIBIT A-5

**PROJECT NO. 443 – PAVING IMPROVEMENTS – BELMONT HEIGHTS ADDITION
PHASE II
RESOLUTION NO. 2732**

Description of Property	Amount of Assessment
Lot 3 Block 2 Belmont Heights 3 rd Addition	\$18,906.11
Lot 4 Block 2 Belmont Heights 3 rd Addition	18,906.11
Lot 1 Block 3 Belmont Heights 3 rd Addition	18,906.11
Lot 3 Block 4 Belmont Heights 3 rd Addition	18,906.11
Lot 4 Block 4 Belmont Heights 3 rd Addition	18,906.11
Lot 5 Block 4 Belmont Heights 3 rd Addition	18,906.11
Lot 6 Block 4 Belmont Heights 3 rd Addition	18,906.11
Lot 7 Block 4 Belmont Heights 3 rd Addition	18,906.11

EXHIBIT A-6

**PROJECT NO. 444- SANITARY SEWER IMPROVEMENTS BELMONT HEIGHTS
3RD ADDITION PHASE II
RESOLUTION NO. 2733**

Description of Property	Amount of Assessment
Lot 3 Block 2 Belmont Heights 3 rd Addition	\$7,084.29
Lot 4 Block 2 Belmont Heights 3 rd Addition	7,084.29
Lot 1 Block 3 Belmont Heights 3 rd Addition	7,084.29
Lot 3 Block 4 Belmont Heights 3 rd Addition	7,084.29
Lot 4 Block 4 Belmont Heights 3 rd Addition	7,084.29
Lot 5 Block 4 Belmont Heights 3 rd Addition	7,084.29
Lot 6 Block 4 Belmont Heights 3 rd Addition	7,084.29
Lot 7 Block 4 Belmont Heights 3 rd Addition	7,084.29

EXHIBIT A-7

**PROJECT NO. 513 – STREET IMPROVEMENTS – COUNTRY CLUB ROAD
RESOLUTION NO. 2843**

Description of Property	Amount of Assessment
Beginning at a point 644.62 feet South of the Northwest corner of the Northwest Quarter (NW/4) of Section 25, Township 25 South, Range 5 East of the Sixth Principal Meridian in Butler County, Kansas; thence East 538.53 feet; thence South 231.07 feet; thence East 188.52 feet; thence North 231.07 feet; thence East 377.04 feet; thence South deflecting Right 91°43", a distance of 552.27 feet; thence Southwesterly 755.11 feet to a point which is 681.79 feet South and 350 feet East of the Point of Beginning; thence West 350 feet to a point which is 1322.29 feet North of the Southwest corner of said Northwest Quarter (NW/4); thence North 681.79 feet to the Point of Beginning, subject to public road.	\$97,850.94
Beginning 210 Feet north of the Southwest Corner of the Northwest Quarter of Section 25, Township 25 South, Range 5 East of the P.M., thence North 1044 feet, East 350 feet, South 1044 feet, and West 350 feet to the place beginning.	129,413.90
Beginning 210 Feet north of the Southwest Corner of the Northwest Quarter of Section 25, Township 25 South, Range 5 East of the P.M., thence North 1044 feet, East 350 feet, South 1044 feet, and West 350 feet to the place beginning.	5,410.88
Lots 1, 2, 3, 4, 5 Block 1 Adams-Weber Addition	17,725.05
The East 270 feet of the following tract in the Northeast Quarter of Section 26, Township 25, Range 5 East, beginning 71.67 feet North of Southeast Corner Lot 3 Block 6 Banks-Wilhite 1 st Addition thence North 268.33 feet; thence East 617.76 feet; thence South 300 feet; thence West 617.76 feet North to point of beginning.	32,257.17
The following portion of a tract in the Northeast Quarter of Section 26, Township 25 South, Range 5 East: Beginning at a point 644.62 feet South of the Northeast Corner of Section 26, Township 25 South, Range 5 East; Thence South 1663.71 feet along the East line of Section 26, Township 25 South, Range 5 East; Thence West 300 feet; Thence North 1663.71 feet; Thence East 300 feet to point of beginning, Less Right-of-Way.	179,887.50
BEGINNING at a point on the South line of the Northwest Quarter (NW/4) of Section Numbered Twenty-five (25), Township Numbered Twenty-five (25) South, Range Numbered Five (5) East in the Butler County, Kansas that is 700 feet East of the Southwest Corner thereof; thence North 170 feet; thence West parallel to the South line 200 feet; thence North 37.96 feet; thence West at 90 degrees to the West line 150 feet; thence North 1044 feet; thence West 350 feet to the West line of said Northwest Quarter (NW/4); thence North 68.29 feet to a point 1326.41 feet South of the Northwest Corner of said Northwest Quarter (NW/4); thence East at 90 degrees 350 feet; thence deflecting 9 degrees 58 minutes left 755.11 feet; thence South parallel to the said West line 1057.41 feet to a point 400 feet North of the South line of said Northwest Quarter (NW/4); thence East parallel to the South line 680 feet; thence South 400 feet to the South line of said Northwest Quarter (NW/4); thence West 680 feet to the POINT OF BEGINNING. EXCEPT Belmont Heights 2nd Addition, and EXCEPT BEGINNING at the Southwest Corner of Belmont Heights Second Addition, thence South 89 degrees 46 minutes West a distance of 65 feet to the Northwest Corner of Lot 6, Block A of Belmont Heights Addition, thence North 00 degrees 00 minutes 00 seconds East a distance of 220 feet, thence North 89 degrees 46 minutes East a distance of 65 feet to the Northwest Comer of Belmont Heights Second Addition, thence South 00 degrees 00 minutes 00 seconds West a distance of 220 feet to the POINT OF BEGINNING.	8,893.76

EXHIBIT A-8

**PROJECT NO. 514 – SANITARY SEWER IMPROVEMENTS – GRANDVIEW EXTENSION
RESOLUTION NO. 2842**

Description of Property	Amount of Assessment
Beginning at a point 644.62 feet South of the Northwest corner of the Northwest Quarter (NW/4) of Section 25, Township 25 South, Range 5 East of the Sixth Principal Meridian in Butler County, Kansas; thence East 538.53 feet; thence South 231.07 feet; thence East 188.52 feet; thence North 231.07 feet; thence East 377.04 feet; thence South deflecting Right 91°43", a distance of 552.27 feet; thence Southwesterly 755.11 feet to a point which is 681.79 feet South and 350 feet East of the Point of Beginning; thence West 350 feet to a point which is 1322.29 feet North of the Southwest corner of said Northwest Quarter (NW/4); thence North 681.79 feet to the Point of Beginning.	\$306,801.29

EXHIBIT A-9

**PROJECT NO. 523 - AREA WALL / RIGHT OF WAY IMPROVEMENTS – 12TH AVENUE
RESOLUTION NO. 2859**

Description of Property	Amount of Assessment
Lot 1 Block 1 Criss 9 th Addition	\$8,996.20
Lot 2 Block 1 Criss 9 th Addition	8,996.20

EXHIBIT A-10

**PROJECT NO. 538 – SIDEWALK IMPROVEMENTS
RESOLUTION NO. 2863**

Description of Property	Amount of Assessment
The South 44 feet of Lot 1, Block 10 of The Original Town of El Dorado, Section 2, Township 26, Range 5 East; to the City of El Dorado, Butler County, Kansas.	\$12,058.77

NOTICE OF ASSESSMENT

January 26, 2019
City of El Dorado, Kansas

Property Owner:

You are hereby notified, as owner of record of the property described on ***Schedule I*** attached hereto, that pursuant to Ordinance No. [____] (the “Ordinance”) of the City of El Dorado, Kansas (the “City”) there has been assessed against the property the costs of certain internal improvements previously authorized by the governing body of the City (the “Improvements”). The description of the Improvements, the resolution number authorizing the same and the amount of assessment are set forth on ***Schedule I*** attached hereto.

You may pay this assessment in whole or in part to the City Treasurer of the City within thirty (30) days from the date hereof; and if the amount is not paid within the time period, bonds will be issued therefor, and the balance of such assessment will be collected in 20 annual installments, together with interest on such amounts remaining unpaid at a rate not exceeding the maximum rate therefor as prescribed by K.S.A. 12-6a01 *et seq.* Interest accruing between the date set forth above and the date the first installment is payable, but not less than the amount of interest due during the coming year on any outstanding bonds issued to finance the Improvements, shall be added to the first installment. The interest for one year on all unpaid installments shall be added to each subsequent installment until paid.

Tabitha Sharp, City Clerk

SCHEDULE I-1

**PROJECT NO. 421 – PAVING IMPROVEMENTS – BELMONT HEIGHTS
3RD ADDITION PHASE I
RESOLUTION NO. 2723**

Description of Property	Amount of Assessment
Lot 1 Block 1 Belmont Heights 3 rd Addition	\$17,881.12
Lot 2 Block 1 Belmont Heights 3 rd Addition	17,881.12
Lot 3 Block 1 Belmont Heights 3 rd Addition	17,881.12
Lot 1 Block 2 Belmont Heights 3 rd Addition	17,881.12
Lot 2 Block 2 Belmont Heights 3 rd Addition	17,881.12
Lot 1 Block 4 Belmont Heights 3 rd Addition	17,881.12
Lot 2 Block 4 Belmont Heights 3 rd Addition	17,881.12
Lot 5 Block 1 Adams-Weber Addition	17,881.12
Lot 1 Block 2 Adams-Weber Addition	2,160.00

CERTIFICATE OF MAILING

STATE OF KANSAS)
) ss:
COUNTY OF BUTLER)

The undersigned, City Clerk of the City of El Dorado, Kansas, does hereby certify that on January 26, 2019, the date on which Ordinance No. [_____] (the “Ordinance”) of the City was published, I caused to be mailed to the owners of the properties liable for the assessments set out in the Ordinance, at their last known post office addresses, a Notice of Assessment showing the respective assessments levied against their properties and stating the manner in which the assessments will be collected.

A sample copy of the form of such Notice of Assessment is attached hereto.

WITNESS my hand and seal as of January 26, 2019.

(Seal)

Tabitha Sharp, City Clerk

[attach sample copy of form]

CERTIFICATE OF CITY CLERK

STATE OF KANSAS)
) ss:
COUNTY OF BUTLER)

The undersigned, City Clerk of the City of El Dorado, Kansas (the “City”), does hereby certify that within the time allowed by Ordinance No. [____] of the City for the payment of special assessments in cash, property owners specially assessed for the costs of certain internal improvements previously authorized by the governing body of the City, paid in cash the amounts set forth below:

Resolution No.	Amount
2723	
2724	
2734	
2735	
2732	
2733	
2843	
2842	
2859	
2863	
TOTAL	\$ _____

WITNESS my hand on _____.

City Clerk

(Published in the *Butler County Times-Gazette* on January 26, 2019)

SUMMARY OF ORDINANCE NO. [____]

On January 22, 2019, the governing body of the City of El Dorado, Kansas, passed an ordinance entitled:

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON CERTAIN PROPERTY TO PAY THE COSTS OF INTERNAL IMPROVEMENTS IN THE CITY OF EL DORADO, KANSAS, AS PREVIOUSLY AUTHORIZED BY THE CITY; AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL ASSESSMENTS.

The Ordinance levies special assessments on certain property located within the City of El Dorado which have been benefitted from certain internal improvements constructed pursuant to K.S.A. 12-6a01 *et seq.* and provides an opportunity for prepayment, in whole or in part, of the special assessments. A schedule of the amounts of the special assessments and the property benefitted are attached to the Ordinance. Any amount of special assessments not paid within the time prescribed in the Ordinance shall be certified by the City Clerk to the Clerk of Butler County, Kansas, in the same manner and at the same time as other taxes are certified and will be collected in annual installments, together with interest on such amounts at a rate not exceeding the maximum rate therefor as prescribed by law. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 200 E. 1st, El Dorado, Kansas 67042. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at <https://www.eldoks.com/>.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: January 22, 2019.

City Attorney

2018 Commission Priorities

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

TO: City Commission
FROM: Linda Jolly, El Dorado Inc.
SUBJ: Resolution of Support for Tax Credit Application
DATE: January 16, 2019

Background:

The City of El Dorado has been informed by MRE Capital LLC that they intend to apply for tax credits through the Kansas Housing Resources Corporation (KHRC) for the development of housing to be located in the Flint Ridge area of the Griler Addition. The developers are requesting a resolution of support for their tax credit application.

Policy Issue:

A resolution of support must be approved by the City Commission.

Alternatives:

The Commission could choose not to support the resolution and allow the application to stand on its own with the KHRC.

Fiscal Impact:

The City Commission has already approved the sale of the property for \$100,000 contingent on the developer receiving the tax credits. Should the property be sold, the city will begin to receive property tax on the lots that we have not been on the tax rolls while owned by the city.

Trade-offs:

The City Commission takes the chance that while the property is held by MRE Capital, LLC and awaiting the decision of the Kansas Housing Resources Corporation, that the City could lose a bid from another developer. However, the City has had the land advertised for two years with no other offers and so staff do not feel that this is an issue.

Staff Recommendation:

Approve the resolution.

Commission Actions:

Commissioner _____ moved to approve Resolution No. ____, a Resolution of support of MRE Capital LLC's application for tax credits from the Kansas Housing Resources Corporation.

Commissioner _____ seconded the motion.

GRILER ADDITION UNDEVELOPED LOTS



W 6th Ave

Norris Dr.

N Sunflower Dr

W 3rd Ave



EL DORADO

THE FINE ART OF LIVING WELL

January 14, 2019

MRE Capital, LLC
Jacob Mooney
10777 Barkley St.
Overland Park, KS 66211

RE: Zoning for proposed Flint Ridge development in El Dorado, Kansas

Dear Mr. Mooney,

The property where the proposed Flint Ridge development will be located is currently within the El Dorado city limits. It is zoned R-1, single family. This zoning is appropriate for the proposed development of 32 single family homes.

If you need any further information, please contact me at (316) 321-9100.

Sincerely,

David Dillner
City Manager



EL DORADO

THE FINE ART OF LIVING WELL

January 14, 2019

MRE Capital, LLC
Jacob Mooney
10777 Barkley St.
Overland Park, KS 66211

RE: Utilities for the Flint Ridge development in El Dorado, Kansas

Dear Mr. Mooney,

This letter will confirm that water, sewer, natural gas and electric is available to the proposed development site and is sufficient to serve the needs of the 32 or more single family housing units.

The utility extensions to the development will be subject to final design review.

If you need any further information, please contact me at (316) 321-9100.

Sincerely,

David Dillner
City Manager

RESOLUTION NO. _____

**A RESOLUTION OF SUPPORT FOR AN APPLICATION FOR HOUSING
TAX CREDITS BY MRE CAPITAL, LLC**

WHEREAS, the City of El Dorado, Kansas has been informed by MRE Capital, LLC that a housing tax credit application will be filed with the Kansas Housing Resources Corporation for the development of affordable rental housing to be located at Flint Ridge in the Griller Addition, El Dorado, KS 67042, with a legal description as follows:

Lots 7 thru 19, Block 3; and Lots 4 thru 15, Block 4; and Lots 1 thru 11, Block 5 of the Griller Addition to the City of El Dorado, Kansas, in Butler County, Kansas

WHEREAS, this housing development will contain 32 single family homes; and

WHEREAS, the development will be a new construction; and

WHEREAS, the property will have the following amenities:
Single family homes, walk-in closets, full appliances, washers and dryers, energy efficient design, high SEER HVAC, 3 bedrooms and 2 bathrooms.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EL DORADO, KANSAS that the City Commission supports and approves the development of the aforesaid housing in our community, subject to city ordinances and the buildings permit process. This resolution is effective until 1/31/2019. In the event that any of the characteristics mentioned above should change prior to the issuance of a building permit, this resolution is null and void.

ADOPTED AND APPROVED by the Governing Body of the City of El Dorado, Kansas this 22nd day of January, 2019.

Vince Haines, Mayor

ATTEST:

Tabitha Sharp, City Clerk