

The El Dorado City Commission met in a regular session on March 18, 2019 at 6:30 p.m. in the Commission Room with the following present: Vice Mayor Kendra Wilkinson, Commissioner Matt Guthrie, Commissioner Gregg Lewis, Commissioner Nick Badwey, City Manager David Dillner, City Engineer Scott Rickard and City Clerk Tabitha Sharp. Absent: Mayor Vince Haines and City Attorney Ashlyn Lindskog

**VISITORS**

Deanna Bonn	Everyday El Dorado	El Dorado, KS
Curt Zieman	128 N Vine	El Dorado, KS
Tom Pennycuff	Brickley Enterprises	El Dorado, KS

**CALL TO ORDER**

Vice Mayor Kendra Wilkinson called the March 18, 2019 meeting to order.

**INVOCATION**

Reverend Mark Somerville, Family Life Church, opened the meeting with an invocation.

**PLEDGE OF ALLEGIANCE**

The City Commission led the Pledge of Allegiance.

**PUBLIC COMMENT**

Vice Mayor Kendra Wilkinson opened the floor for public comment.

There were no comments.

**CONSENT AGENDA**

Approval of CTC Appointments for Rachel Lacerda and Tiya Tonn, terms to end 12/31/2020.

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

Commissioner Gregg Lewis seconded the motion.

Motion carried 4 – 0.

**APPLICATION TO REZONE 610 SW PURITY SPRINGS ROAD**

City Engineer Scott Rickard stated that the Planning Commission held a public hearing on February 28<sup>th</sup>, 2019, to review an application to rezone 610 SW Purity Springs Road from Agricultural Residential District (A-R) to Light Industrial District (I-1). The property is located within El Dorado’s Extraterritorial Jurisdiction. Butler County supports the request. The Planning Commission voted to recommend approval of the rezoning application (5-0).

Vice Mayor Kendra Wilkinson confirmed that the access would be from Purity Springs.

City Engineer Rickard showed where it would be on the map.

Commissioner Matt Guthrie asked if they would be moving businesses there.

Tom Pennycuff, Brickley Enterprises, stated that he would be moving two shops there, a total of five businesses.

City Engineer Rickard stated that the north is light industrial, to the east is business park which includes light industrial, south of the turnpike is agricultural and to the west there is one

residence. He stated that all property owners were notified of the application via letter and the County Commission has recommended approval as well.

Commissioner Matt Guthrie moved to approve Case No. 19-01-REZ, requesting a rezoning of 610 SW Purity Springs Road to I-1 Light Industrial District and that Ordinance No. G-1297 be approved.

Commissioner Gregg Lewis seconded the motion.

**Roll Call Vote**

Position No. 2	Commissioner Gregg Lewis	Yes
Position No. 3	Commissioner Nick Badwey	Yes
	Vice Mayor Kendra Wilkinson	Yes
Position No. 1	Commissioner Matt Guthrie	Yes

**ZONING ORDINANCE AMENDMENTS**

City Engineer Scott Rickard stated that in fall of 2018, the City Commission directed staff and the Planning Commission to review residential accessory structure regulations and to look into the topic of tiny homes. HE stated that over the last three months, the Planning Commission discussed amending the zoning ordinance to improve residential accessory structure regulations, regulate infill development, and regulate the use of shipping containers in residential areas as well as amend the by-laws to include a representative to the Board of Zoning Appeals.

City Engineer Rickard stated that the proposed amendments include:

- Link residential accessory structure size to principal structure size. This is common across the state of Kansas and focuses residential development on the principal structure. Said regulation prevents non-residential structures from becoming the dominant structures in residential neighborhoods.
- Allows eligible property owners to build a residential accessory structure as large as 1,500 square feet to do so without a Special Use Permit if the structure uses matching building materials as viewed from public property and a minimum 60 foot front setback.
- Residential accessory structure height regulation changed to link height and roof pitch to that of the principal structure rather than a set side wall height that has historically prevented storing of taller recreation vehicles in said structures.
- Reduces side yard setbacks on lots platted prior to 1951, solving a widespread problem for property owners with detached garages near property lines that cannot be rebuilt in their current location.
- Prohibits use of shipping containers in residential areas as permanent accessory structures and provides for temporary use. Many cities within the state already prohibit permanent residential containers.
- Regulates infill housing size to prevent excessively small or excessively large development within established neighborhoods that may negatively impact surrounding properties and to maintain the scale and character of the neighborhood.
- Removes annexation zoning language from the zoning ordinance, a paragraph that was essential prior to gaining jurisdiction outside limits but is no longer needed.
- Updates by-laws to allow for a Planning Commission Representative to sit on the Board of Zoning Appeals.

Commissioner Nick Badwey confirmed that the percentage is an average of the area around the proposed development.

City Engineer Rickard stated that he was correct.

Vice Mayor Kendra Wilkinson stated that everything will depend on the lot being built on.

City Engineer Rickard stated that it would be easier to build smaller homes on the smaller lots, the wider they want to go, the harder it will be to build on a narrow lot.

Vice Mayor Wilkinson stated that she was comfortable with the changes as long as the builder has the ability to go before the Planning Commission for a variance.

City Engineer Rickard stated that they would be able to do so.

Commissioner Nick Badwey moved to approve zoning ordinance amendments to revise residential accessory structure regulations, prohibit shipping containers as residential accessory structures, regulate infill housing sizes and amend the Planning Commission by-laws as presented and that Ordinance No. G-1298 be approved.

Commissioner Matt Guthrie seconded the motion.

**Roll Call Vote**

Position No. 3	Commissioner Nick Badwey	Yes
	Vice Mayor Kendra Wilkinson	Yes
Position No. 1	Commissioner Matt Guthrie	Yes
Position No. 2	Commissioner Gregg Lewis	Yes

**CEREAL MALT BEVERAGE MUNICIPAL CODE AMENDMENT**

City Clerk Tabitha Sharp stated that effective April 1 2019, Cereal Malt Beverage (CMB) Retailers, both general (drink on premise) and limited (carry-out/drink off premise) will be able to sell beer containing not more than 6% alcohol by volume. She stated that the City must update the code to be reflective of the new State Statute.

Commissioner Matt Guthrie moved to approve Ordinance No. G-1299, an ordinance amending the City of El Dorado, KS Municipal Code Sections 4.04.010 and 4.08 as it pertain to the sale of Cereal Malt Beverages.

Commissioner Nick Badwey seconded the motion.

**Roll Call Vote**

	Vice Mayor Kendra Wilkinson	Yes
Position No. 1	Commissioner Matt Guthrie	Yes
Position No. 2	Commissioner Gregg Lewis	Yes
Position No. 3	Commissioner Nick Badwey	Yes

**MUNICIPAL CODE AMENDMENT PERTAINING TO THE MUNICIPAL COURT**

City Clerk Tabitha Sharp stated that the Municipal Court has requested an addition to the Municipal Code regarding failure to appear. She stated that in addition to that request, there is a request from staff to include an amendment allowing Community Service in lieu of court fines. She stated that the insurance company now requires that the City offer this option.

Commissioner Nick Badwey stated that he was concerned with the section that allows community service for businesses. He stated that he felt that it should be done for the city.

The City Commission requested that staff review the community service section and replace it.

Commissioner Nick Badwey moved to table the Municipal Code amendment regarding the Municipal Court.

Commissioner Matt Guthrie seconded the motion.

Motion carried 4 – 0.

**APPROVAL OF INDUSTRIAL PARK MASTER PLAN**

City Engineer Scott Rickard stated that the City of El Dorado and El Dorado Inc. have requested an Industrial Park Master Plan to assist staff in providing information to potential developments in the industrial park. He stated that the cost to the City is \$40,650.

Commissioner Matt Guthrie asked if staff were happy with the plan.

City Engineer Rickard stated that they were, when developers come forward with a request, we are able to provide them with the information requested in a timely manner.

City Manager David Dillner stated that as City Engineer Rickard stated, there are not specific goals in this plan, but it provides us with an intelligent response to potential developments.

Commissioner Guthrie asked if there were any surprises that staff were not expecting.

City Engineer Rickard stated that we learned that Union Pacific has requested that El Dorado always have a west facing switch. He stated that there are a few things we need to look at to be completely able to serve the needs of a development. He stated that it got us face to face with a lot of partners such as KTA, KDOT, Kansas Gas and Union Pacific.

Commissioner Gregg Lewis moved to approve the Industrial Park Master Plan.

Commissioner Matt Guthrie seconded the motion.

Motion carried 4 – 0.

**REPORTS**

**CITY COMMISSION**

Vice Mayor Kendra Wilkinson stated that she has been asked to talk to the City about marking the new tennis courts for pickle ball.

City Manager David Dillner stated that we have had conversations about that, but have to check with USD 490 and KSHA to ensure that there are no requirements that would conflict with pickle ball court lines.

Vice Mayor Wilkinson confirmed that there are pickle ball courts at the Activity Center.

City Manager Dillner stated that there are three in gym three that are available most of the year.

**CITY MANAGER**

City Manager David Dillner stated that the project at Gordy and Central is almost done except for striping.

City Manager Dillner stated that the stormwater project at 2<sup>nd</sup> Avenue is also almost complete.

City Manager Dillner stated that GreatLife has moved in at Prairie Trails and is operating under the lease.

**ADJOURNMENT**

Commissioner Nick Badwey moved to adjourn the meeting at 7:45 p.m.

Commissioner Matt Guthrie seconded the motion.

Motion carried 4 – 0.

---

City Clerk Tabitha D. Sharp

---

Mayor Vince Haines