

**EL DORADO CITY COMMISSION MEETING**

**June 15, 2020**

The El Dorado City Commission met in a regular session on June 15, 2020 at 6:30 p.m. in the Commission Room with the following present: Mayor Bill Young, Commissioner Matt Guthrie, Commissioner Gregg Lewis, Commissioner Nick Badwey, Commissioner Kendra Wilkinson, City Manager David Dillner, City Engineer Scott Rickard and City Clerk Tabitha Sharp. Absent: City Attorney Ashlyn Lindskog.

**VISITORS**

Steve Waite	El Dorado Main Street	El Dorado, KS
Leon Leachman	El Dorado Main Street	El Dorado, KS
Emily Connell	El Dorado Main Street	El Dorado, KS
Jordan Buxton	El Dorado Chamber of Commerce	El Dorado, KS
Kevin King		
Lee White	Butler County, Kansas News	El Dorado, KS
Terry Radebaugh	Butler Homeless Initiative	El Dorado, KS
Nathan Ensminger	142 North Main	El Dorado, KS
Deanna Bonn	Everyday El Dorado	El Dorado, KS
Karen Linn	BT&Co	Topeka, KS
Tim Donges	2873 SE US HWY 54	El Dorado, KS

**CALL TO ORDER**

Mayor Bill Young called the June 15, 2020 meeting to order.

**INVOCATION**

Pastor Tom Carruthers, First Christian Church, opened the meeting with an invocation.

**PLEDGE OF ALLEGIANCE**

The City Commission led the Pledge of Allegiance.

**PERSONAL APPEARANCE**

Members of the El Dorado Main Street Board presented their annual report.

**PUBLIC COMMENT**

Lee White, Butler County, Kansas News, shared some information on homelessness with the Commission.

Terry Radebaugh, President of Butler Homeless Initiative, gave information on the services they provide at the cold weather shelter. She stated that she looked forward to participating in the conversations they were having across the County.

Commissioner Nick Badwey clarified that if they want to open year around, they would need a special use permit.

City Engineer Scott Rickard stated that there is special zoning in place for transitional housing and they would need to discuss it as they move in that direction.

Commissioner Matt Guthrie asked if she was certain that the current facility was appropriate because it changed the purpose of the building from a church to a homeless shelter. He stated that the Commission was unaware of the plan to move to a full time shelter.

Ms. Radebaugh stated that their shelter is a mission of the church and they have plans to do more with it.

City Engineer Rickard stated that staff would visit with her about the process and how it will play out.

Commissioner Gregg Lewis asked how many individuals the shelter serves.

Ms. Radebaugh stated that they can serve ten at the shelter and they provide hotels for those who cannot stay at the shelter when they run out of space.

**CONSENT AGENDA**

Approval of the City Commission minutes from June 1, 2020.

Approval of Appropriation Ordinance No. 05-20 in the amount of \$1,106,053.41.

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

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

**CONSIDERATION OF THE INDEPENDENT AUDIT OF THE FINANCIAL STATEMENTS FOR YEAR-ENDING DECEMBER 31, 2019 PREPARED BY BERBERICH TRAHAN & CO, P.A.**

Karen Linn, with Berberich Trahan & Co, P.A., presented the audit of the City of El Dorado for 2019. The City Commission had not yet received the documents and so they tabled the discussion until a further meeting.

Commissioner Nick Badwey moved to table the acceptance of the audit until the paperwork is received.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

**CONSIDERATION OF A SPECIAL USE PERMIT FOR PROPOSED HOME-BASED SALON AT 111 HOGOBOOM DRIVE**

City Engineer Scott Rickard stated that the city has received a request from the owners at 111 Hogoboom Drive for a home-based salon. He stated that there are some requirements; the operator must reside in the home, it cannot create excess noise or odor and cannot create excess traffic. He stated that this is an allowed use with an SUP. He stated that the Planning Commission approved the request unanimously.

Commissioner Kendra Wilkinson asked if the Planning Commission saw any trouble with the concern of truck traffic in the letter they received.

City Engineer Rickard stated that Hogoboom Drive is not a public right of way and so the rights of ingress and egress are to be discussed between the property owners in the area. He stated that there is no additional parking required for this business and the owners stated that the volume would be slow, one person in, one person out on weekends and evenings.

Commissioner Gregg Lewis moved to approve Case No. 20-03-SUP, requesting an SUP for barber and beauty services at 111 South Hogoboom Drive and that Ordinance No. G-1327 be approved.

Commissioner Matt Guthrie seconded the motion.

ROLL CALL VOTE

Position No. 1	Commissioner Matt Guthrie	Yes
Position No. 2	Commissioner Gregg Lewis	Yes
Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner Kendra Wilkinson	Yes
	Mayor Bill Young	Yes

**CONSIDERATION OF A SPECIAL USE PERMIT FOR ACCESSORY APARTMENT AT 3625 SW 10<sup>TH</sup> STREET**

City Engineer Scott Rickard stated that the applicant has requested a permit for an accessory apartment within the extraterritorial jurisdiction. He stated that the unit is detached as required by zoning regulations, the Planning Commission recommended approval unanimously. He stated that the County has also reviewed and recommended approval of the request.

Commissioner Nick Badwey moved to approve Case No. 20-04 SUP, requesting an SUP for an accessory apartment at 3625 SW 10<sup>th</sup> Street and that Ordinance No. G-1328 be approved.

Commissioner Kendra Wilkinson seconded the motion.

ROLL CALL VOTE

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Position No. 2	Commissioner Gregg Lewis	Yes
Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner Kendra Wilkinson	Yes
	Mayor Bill Young	Yes
Position No. 1	Commissioner Matt Guthrie	Yes

**CONSIDERATION OF A SPECIAL USE PERMIT FOR CAMPGROUND AT 1139 SE BLUESTEM ROAD**

City Engineer Scott Rickard stated that staff have received a request for a permit for a campground at 1139 SE Bluestem Road. He stated that the property is zoned for a manufactured home/mobile home park. He stated that the permit will allow them to create 57 new RV parking spaces. He stated that the Planning Commission voted unanimously to approve and the County has also reviewed and approved.

Commissioner Kendra Wilkinson confirmed which area they were discussing.

City Engineer Rickard stated that this area would be south of their previous SUP.

Commissioner Wilkinson confirmed that they are currently mobile homes and those will be removed for the campground.

Tim Donges, 2873 SE US HWY 54, stated that there is already a letter allowing RV's in this area, and they have already removed several trailers. He stated that they are allowing the current lease holders to maintain their lease, but have requested an increase in the number of RV's with the intent to become entirely RV based.

Commissioner Matt Guthrie asked how the other project is going.

Mr. Donges stated that they have been working on the other area, but these properties became available to them unexpectedly and they are working with the County to get rid of some of the other structures.

Commissioner Matt Guthrie moved to approve Case No. 20-05 SUP, requesting an SUP for an accessory apartment at 1139 SE Bluestem Road and that Ordinance No. G-1329 be approved.

Commissioner Nick Badwey seconded the motion.

**ROLL CALL VOTE**

Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner Kendra Wilkinson	Yes
	Mayor Bill Young	Yes
Position No. 1	Commissioner Matt Guthrie	Yes
Position No. 2	Commissioner Gregg Lewis	Yes

**CONSIDERATION OF THE AWARD OF BIDS FOR CDBG COMMERCIAL PROJECT AT 142 N MAIN STREET**

City Engineer Scott Rickard stated that this project is the rehabilitation of 142 N Main, bids were received and must be approved by the City Commission.

Nathan Ensminger, building owner at 142 N Main, stated that the main floor is progressing, they have three tenants and a verbal agreement on a 4<sup>th</sup>. He stated that the second floor’s first phase is for a fire suppression system. He stated that the second phase will be the placement of an elevator to provide ADA access.

Commissioner Matt Guthrie moved to accept the bid of Martsolf Enterprises in the amount of \$325,504.34 for the rehabilitation of 142 N Main Street and request sole source bid approval from the Kansas Department of Commerce, subject to meeting the requirements of the CDBG Commercial Rehabilitation Grant Program.

Commissioner Gregg Lewis seconded the motion.

Motion carried 5 – 0.

**CONSIDERATION OF THE VACATION OF PUBLIC RIGHT-OF-WAY WITHIN THE HULL’S ADDITION**

City Engineer Scott Rickard stated that there was a request from the owner at 1006 N Taylor to vacate the alley in the rear section of their yard. He stated that a lot of plats in the time frame this one was done, set aside alleys such as this. He stated that this alley is not used for a public purpose and if the ordinance is approve, 8 foot would go to each of the owners on the east and west sides. He stated that the owners in the block have all received letters. He visited with one owner who was concerned about the increase in property taxes. He spoke to the County and the increase would be about \$10 a year. The owner did want him to share their concern about the increase.

Commissioner Gregg Lewis moved to approve Ordinance No. G-1330, an ordinance vacating an alley in Hull’s Addition to the City of El Dorado and reserving a permanent utility easement.

Commissioner Matt Guthrie seconded the motion.

**ROLL CALL VOTE**

Position No. 4	Commissioner Kendra Wilkinson	Yes
	Mayor Bill Young	Yes
Position No. 1	Commissioner Matt Guthrie	Yes
Position No. 2	Commissioner Gregg Lewis	Yes
Position No. 3	Commissioner Nick Badwey	Yes

**DISCUSSION OF REVOCATION OF A SPECIAL USE PERMIT AT 109 N ARTHUR STREET**

City Manager David Dillner stated that the Commission had expressed concern regarding the SUP on 109 S Arthur. He stated that the applicant is here to answer any questions.

City Engineer Scott Rickard stated that in order to revoke an SUP, notification must be provided regarding the violation of the SUP. He stated that there are three ways an SUP can expire; the use discontinues for 12 months, the Commission can revoke based on improper use and the SUP sunsets.

Commissioner Matt Guthrie stated that the applicant was not following the restrictions he agreed to during the Commission meeting when he received the SUP. He stated that the applicant has not heeded any of the warnings from staff.

Kevin King, 109 N Arthur, stated that he apologized, he did have a mess for a while due to unforeseen circumstances. He stated that he thought that he was allowed to park things in front as long as everything was legally licensed and driving.

Commissioner Guthrie stated that the purpose of the SUP was to hide the items he had behind the fence so the area was cleaned up.

Commissioner Kendra Wilkinson asked if he could bring himself into compliance.

Mr. King stated that he could.

Commissioner Gregg Lewis stated that he was concerned about the traffic on the street between his address and Hog Wild. He stated that they are trying to sell the adjacent property and it is difficult to get around the cars parked on the street.

Mayor Bill Young stated that it sounds like he is in compliance now. A vehicle in use is different than projects sitting outside the fence.

The Commission agreed to give him two weeks to be in compliance.

**REPORTS**

**CITY COMMISSION**

Commissioner Kendra Wilkinson stated that she would like to give her time to Parks and Recreation Director Kevin Wishart in order to discuss the 4<sup>th</sup> of July activities.

Parks and Recreation Director Kevin Wishart stated that staff have provided a plan to direct activities to Hamblin field and McDonald Stadium on the evening of the 4<sup>th</sup> of July in order to better respond to concerns about the COVID-19 pandemic and limitations on staff.

Commissioner Wilkinson stated that she was concerned about the 4<sup>th</sup> of July gathering under the pandemic. She stated that she contacted the County Health Department Director and asked her opinion on the issue. She stated that the Director responded that there have not been any new cases reported in El Dorado since her last report to the County. She stated that she recommended social distancing and hand hygiene.

Mayor Bill Young stated that he appreciated the work they had done. He also apologized for the lack of direction given on Wednesday. He stated that in true city staff fashion, they have run with it and planned a good event. He encouraged staff to reach out to the individuals with the Celebration of Freedom and get them involved. He stated that we all do have responsibility for our own actions and safety, he stated that if someone isn't comfortable, they shouldn't attend. He stated that he supported this plan.

Commissioners Badwey, Lewis and Guthrie also supported the new plan.

Commissioner Nick Badwey wished Gary Taylor a happy retirement.

Commissioner Badwey reviewed the library board meeting and their new phase of opening. He stated that they will have limited hours, limited time in the library for each individual and still offer curbside pickup.

Commissioner Gregg Lewis asked when splash parks would open.

Parks and Recreation Director Wishart stated that they are open. Graham Park is open and running, North Main Park had a failure and we are waiting on a part to repair it.

Mayor Young stated that he also wished Gary Taylor luck in his retirement.

Mayor Young stated that last Wednesday they did not have time to review a list of items that they have given to staff to accomplish. He stated that as they move into budget time, he would like to see where they fit in the budget and also give direction to staff to knock out four or five of these items this year.

Mayor Young stated that we have budgeted for some unfilled police department positions. He asked if there was a point in the year that we can take those funds and invest them in other places like equipment for the police department. He stated that he felt the positions needed to be filled, but didn't want to add them if we couldn't provide them with the proper resources.

City Manager David Dillner stated that any funds that are not spent get carried over in fund balance or if we are in excess of the maximum balance, we can spend it on other items per the financial policy. He stated that they could look at the budget and come up with a plan to use those funds throughout the year as we hit certain benchmarks. He stated that he could have it ready for the next budget discussion.

Commissioner Badwey asked about the grant funds.

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Mayor Young stated that staff are working on a program to be able to distribute grant money to those who need it in El Dorado.

**CITY MANAGER**

City Manager David Dillner stated that City offices would be closed on July 3<sup>rd</sup> and so trash schedules would change that week. Thursday’s route will be picked up Wednesday and Friday’s on Thursday.

City Manager Dillner stated that we have been able to hire a few more lifeguards and so are able to increase the number of patrons to 45 per session.

City Manager Dillner stated that the City received notice from the County that our assessed valuation has gone up approximately 6%.

City Manager Dillner stated that we received an award from the Public Works Association for project of the year for the Sam Binter Tennis Courts.

**ADJOURNMENT**

Commissioner Nick Badwey moved to adjourn the meeting at 8:27 p.m.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

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City Clerk Tabitha D. Sharp

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Vice Mayor