

The El Dorado City Commission met in a regular session on August 19, 2019 at 6:30 p.m. in the Commission Room with the following present: Mayor Vince Haines, Commissioner Matt Guthrie, Commissioner Nick Badwey, Commissioner Kendra Wilkinson, City Manager David Dillner, City Engineer Scott Rickard, and City Clerk Tabitha Sharp. Absent: Commissioner Gregg Lewis and City Attorney Ashlyn Lindskog

VISITORS

Tim Baker	128 N Vine	El Dorado, KS
Deanna Bonn	Everyday El Dorado	El Dorado, KS
Scott Pechin	220 E 1 st	El Dorado, KS
Sarah Hagen	128 N Vine	El Dorado, KS
Anita Mitchell	205 N Washington	El Dorado, KS
Joe Sterbenz	6420 NE 20 th	El Dorado, KS
Tom Pennycuff	800 S Taylor	El Dorado, KS

CALL TO ORDER

Mayor Vince Haines called the August 5, 2019 meeting to order.

INVOCATION

Pastor Mark Somerville, Family Worship Center, led the invocation.

PLEDGE OF ALLEGIANCE

Cub Scout Troop #222 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 Minutes from August 5, 2019 and the Special City Commission Minutes from July 31, 2019.

Approval of Appropriation Ordinance No. 07-19 in the amount of \$6,576,676.98.

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

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

OLD BUSINESS

2020 EXCESS SALES TAX PROJECTS

City Manager David Dillner stated that the excess sales tax committee provided the following recommendations:

Recommendation #1:

Re-allocate the funds from the arena study to the excess sales tax fund and re-distribute them to new projects.

Recommendation #2:

- Additional Property Tax Reduction \$300,000

EL DORADO CITY COMMISSION MEETING

August 19, 2019

- Senior Center Parking Lot \$ 67,200
- McDonald Stadium Project Bank \$ 40,000
- Public Works Roof Replacement \$ 61,000
- Fire Station No. 1 Doors \$ 24,000
- North Main Playground Replacement \$ 80,000
- Miniature Golf Course \$ 80,000
- Oil Museum Sign Replacement \$ 17,296.41
- El Dorado Main Street Façade Grant \$ 5,000
- Chamber of Commerce Grant Program \$ 5,000

Recommendation #3:

- Additional Property Tax Reduction \$300,000
- Senior Center Parking Lot \$ 67,200
- McDonald Stadium Project Bank \$ 50,000
- Public Works Roof Replacement \$ 61,000
- Fire Station No. 1 Doors \$ 24,000
- North Main Playground Replacement \$ 80,000
- Oil Museum Sign Replacement \$ 31,396
- Gordy Park Shelter \$ 40,000
- Activity Center Basketball Goals \$ 10,000
- El Dorado Main Street Façade Grant \$ 5,000
- Chamber of Commerce Grant Program \$ 10,000

Mayor Vince Haines clarified that there needed to be two separate motions.

City Clerk Tabitha Sharp stated she had included both motions in the agenda item. She stated that the \$30,000 for the arena study would be moved back to the excess sales tax fund if they approve that motion. She also stated that the committee had chosen to make their recommendations for next year including the arena study funds, so if the Commission chooses not to approve that motion, we would need to reduce the recommendations by \$30,000.

Commissioner Matt Guthrie moved to reallocate the excess sales tax funds for the arena feasibility study to the excess sales tax fund for use on other sales tax projects.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 4 – 0.

Commissioner Matt Guthrie moved to accept for consideration the projects presented by the Excess Sales Tax Committee in recommendation number two.

Commissioner Nick Badwey seconded the motion.

Motion carried 3 – 1 (Mayor Haines opposed).

NEW BUSINESS

CONDEMNATION HEARINGS

Scott Rickard, City Engineer, stated that in an effort to address some of the more dangerous and unfit structures in El Dorado, staff have determined that five homes from the red tagged list are in need of a quicker resolution. He stated that those homes are 1107 W Carr, 1108 W Carr, 426 W 7th, 802 S Taylor and 205 N Washington. He stated that the Commission must hold a public hearing to hear any evidence submitted by property owners, lienholders or occupants.

City Engineer Rickard stated that should the Commission agree that the structures should be torn down, they will pass a resolution that will give the owners a number of days to make

repairs, if no repairs are made, the City will demolish the structure and assess the costs to the property.

Commissioner Nick Badwey asked if all five structures would be demolished.

City Engineer Rickard stated that they would, they have the funds in the demolition budget.

Mayor Vince Haines opened the public hearing.

Tom Pennycuff, 807 S Taylor, stated that since he purchased his property, the property behind his at 802 S Taylor has caused problems for his. He encouraged the Commission to move forward with this decision as the other owner has ceased to respond to him or his lawyer.

Anita Mitchell, 205 N Washington, stated that she has attempted to do work on the property, but had finally given up. She stated that the property is going up for auction on October 1st. She asked that the Commission consider allowing her time to auction the property prior to moving forward with the demolition.

Mayor Haines closed the public hearing.

Commissioner Kendra Wilkinson asked if the auction would be affected by this process.

City Engineer Rickard stated that the new owner would assume responsibility for all of the issues.

Commissioner Matt Guthrie asked how many days they would have to repair the property if the Resolution was passed.

City Engineer Rickard stated that the Commission has the ability to put the number of days in the Resolution and that will commence after publication.

Commissioner Wilkinson asked what the issues with this house were.

Scott Pechin, Building Official, stated that he has terminated utilities because the house is currently unsafe.

Mayor Haines confirmed that the costs associated with tearing down the property would be assessed to the property.

City Engineer Rickard stated that they would be.

Commissioner Guthrie asked what the timeline looked like on this property.

Mr. Pechin stated that we had been working on this one for at least a year.

Commissioner Guthrie asked if we had to mow this property.

Sarah Hagen, Code Enforcement Official, stated that the property owner had mowed this one.

Commissioner Guthrie confirmed that staff time had been limited to that of the Building Official and Code Enforcement Officer.

Mr. Pechin stated that he was correct.

Commissioner Badwey asked if they did not act on this property and it sold at auction, if they would have to wait to begin the process and do another public hearing.

City Engineer Rickard stated that they would. He stated that they could instruct staff to put something on the deed to notify people of the problems. He stated that the Resolution will be

filed with the deed on the property, and if there is a transfer of ownership, they would be notified.

Mayor Haines stated that he would like to give 60 days on the 205 N Washington property and 30 on the others.

Commissioner Matt Guthrie moved that Resolution No. 2888 that a structure at 802 S Taylor is unsafe or dangerous and directing the structure to be repaired or removed and the premises made safe and secure within 30 days.

Commissioner Kendra Wilkinson seconded the motion

Motion carried 4 – 0.

Commissioner Matt Guthrie moved that Resolution No. 2889 that a structure at 426 W 7th is unsafe or dangerous and directing the structure to be repaired or removed and the premises made safe and secure within 30 days.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 4 – 0.

Commissioner Matt Guthrie moved that Resolution No. 2890 that a structure at 205 N Washington is unsafe or dangerous and directing the structure to be repaired or removed and the premises made safe and secure within 60 days.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 4 – 0.

Commissioner Matt Guthrie moved that Resolution No. 2891 that a structure at 1107 W Carr is unsafe or dangerous and directing the structure to be repaired or removed and the premises made safe and secure within 30 days.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 4 – 0.

Commissioner Matt Guthrie moved that Resolution No. 2892 that a structure at 1108 W Carr is unsafe or dangerous and directing the structure to be repaired or removed and the premises made safe and secure within 30 days.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 4 – 0.

SPECIAL USE PERMIT – 114 W CENTRAL AVENUE

City Engineer Scott Rickard stated that Mike and Gigi Dudek applied for a special use permit for a worship assembly at 114 W Central. He stated that the Planning Commission reviewed the application, held a public hearing and recommended approval 8 – 0.

Commissioner Kendra Wilkinson asked if they were meeting now.

City Engineer Rickard stated that they were, they became aware of the need for a permit and contacted the City.

Mayor Vince Haines asked if there would be an occupancy change with this application.

Scott Pechin, Building Official, stated that he had not seen a footprint at this time, but he believed it would change the occupancy. He stated that there are numbers that trigger the allowed occupancy.

City Engineer Rickard stated that items like special events or meetings that draw more people and create demand on parking will also change the occupancy requirements.

Commissioner Badwey confirmed that they would be able to meet whenever they wanted after this is passed.

Mayor Haines stated that they could. He stated that he has trouble with the use as a worship center in the downtown area and the restraints placed on neighboring property owners once that designation is put in place.

City Clerk Tabitha Sharp stated that she spoke with the City Attorney and that the 200 foot rule for selling alcohol near a church is only for microbreweries, distilleries, wineries and retail liquor stores. She stated that the attorney stated that anything already in place would be grandfathered in, and any new proposals could come to the City for a waiver on the 200 foot rule because of the zoning in the downtown.

Commissioner Wilkinson asked if they had a plan for upstairs.

Mr. Pechin stated that they do not have a plan for the upstairs at this time.

Mayor Haines stated that he wanted to make sure that the individuals asking for this permit understood the requirements for this property if it is changed. He stated that they would have to install sprinklers and

City Engineer Rickard stated that once the land use was in place, they planned to begin discussions on the other items they would be required to do.

Mayor Haines read the standards for review aloud.

Commissioner Kendra Wilkinson moved to approve Case No. 19-05-SUP, requesting a SUP for a public assembly venue, and that Ordinance No. G-1310 be approved.

Commissioner Nick Badwey seconded the motion.

Commissioner Matt Guthrie confirmed that to override the vote of the Planning Commission, they needed a super majority.

City Engineer Rickard stated that he was correct.

Roll Call Vote

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

**PROJECT NO. 556 – RESURFACING 6TH AVENUE (METCALF – EL RECO)
RESURFACING HAVERHILL (CENTRAL – TOWANDA)**

City Engineer Scott Rickard stated that bids were received for Project No. 556 to resurface 6th from Metcalf to El Reco and Haverhill, Central to Towanda. He stated that the low bid was from Flint Hills Materials LLC for \$283,590.55.

City Engineer Rickard stated that his estimate was \$416,967. The highest bid was \$449,272, there were also a few in the mid \$350,000 area. He stated that staff believe that this is a very favorable bid.

EL DORADO CITY COMMISSION MEETING

August 19, 2019

Commissioner Nick Badwey moved that since Flint Hills Materials, LLC has submitted the lowest and best bid of \$283,590.55 for Project No. 556, the City Manager be directed to award the contract to said contractor providing that the company furnish the proper bonds.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 4 – 0.

PROJECT NO. 557 – RESIDENTIAL STREET RESURFACING SALES TAX (HIGH, HOUSER AND ATCHISON)

City Engineer Scott Rickard stated that this is a mill and overlay project. He stated that this is also part of the sales tax funds for street rehabilitation. He stated that the engineer's estimate was \$186,398.

Commissioner Kendra Wilkinson asked what the shapes were in the lines on the map.

City Engineer Rickard stated that the ones that are missing are not going to be touched because they have recently been paved, the ones with the shapes show that the resurface will extend in those areas.

Commissioner Nick Badwey moved that since Flint Hills Materials, LLC has submitted the lowest and best bid of \$140,176.45 for Project No. 557, the City Manager be directed to award the contract to said contractor providing that the company furnish the proper bonds.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 4 – 0.

RECYCLING

City Manager David Dillner stated that staff have communicated the deterioration of the recycling markets over the last few years. He stated that currently we are paying \$75 per ton for haulers to take materials and that is expected to increase to \$90 in the near future. He stated that haulers have also begun to back out of the process because they cannot find someone to take it regardless of price.

City Manager Dillner stated that staff had provided the Commission with a few options regarding the recycling program including continuing the program, increasing the cost for services, reviewing the program more extensively, and discontinuing it completely.

City Manager Dillner stated that the current costs for the landfill are \$35 per ton. He stated that the Butler County landfill has plenty of capacity available for the materials.

City Manager Dillner stated that he is recommending that the program be discontinued immediately to mitigate our expenses and to monitor the cardboard program for a brief time until a better decision can be made on it.

Commissioner Kendra Wilkinson asked if residents will continue to keep both of their carts.

City Manager Dillner stated that until the refuse rates can be reviewed further, residents will be allowed to keep both carts with the understanding that everything will go to the landfill.

Commissioner Wilkinson asked what would happen to the recycling center.

City Manager Dillner stated that it will close and the employees will continue to operate the cardboard program.

Commissioner Matt Guthrie stated that he would like to decrease the refuse fee by the \$1 that it was increased a few years ago.

Public Works Director Brad Meyer stated that the two recycle employees, the route driver and the processor, will remain in that area until a decision is made on the future of the cardboard program. He stated that the processor will be monitoring the compost site when he is not working on the cardboard program. He stated that he would like to keep the \$1 for now until the cardboard program is done and a decision is made on the compost site.

Commissioner Nick Badwey stated that he would like to keep the \$1 if it ensures that we are able to keep the compost site open.

Commissioner Matt Guthrie moved to approve Resolution No. 2893, a Resolution authorizing the City Manager to sunset the Residential Recycling Program and providing guidance on the continuation of the Commercial Cardboard Recycling Program.

Commissioner Nick Badwey seconded the motion.

Commissioner Wilkinson stated that she would like to point out that the Commission is doing this with a great deal of regret.

Commissioner Guthrie stated that it was also with a lot of work to try and keep it running over the years.

Motion carried 4 – 0.

REPORTS

CITY COMMISSION

Commissioner Kendra Wilkinson stated that Parks and Recreation advisory board meets this coming Wednesday to discuss a reorganization.

CITY MANAGER

City Manager David Dillner stated that SCARF will be holding a ribbon cutting on their new office on Thursday.

City Manager Dillner stated that fall sports sign-up is currently going on.

City Manager Dillner stated that on Friday, August 30th, the library will be holding their 60th birthday at 11 a.m.

City Manager Dillner stated that a letter will be going out this week to all residential addresses informing them of the change in the recycle program.

City Manager Dillner stated that the Public Utilities Department was recognized as a Utility of the Future by several water groups. He stated that the water reclamation facility was named plant of the year by the Kansas Water Association for the 9th time.

ADJOURNMENT

Commissioner Nick Badwey moved to adjourn the meeting at 7:53 p.m.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 4 – 0.

City Clerk Tabitha D. Sharp

Mayor Vince Haines