



**EL DORADO**

THE FINE ART OF LIVING WELL

**2010**

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**City Commission Minutes**

**EL DORADO CITY COMMISSION MEETING**

**January 19, 2010**

The El Dorado City Commission met in regular session on January 19, 2010 at 7:00 pm in the Commission Room with the following present: Mayor Tom McKibban, Commissioner Linda Clark, Commissioner Nick Badwey, Commissioner Shane Krause, City Manager Herb Llewellyn, Assistant City Engineer Scott Rickard, City Attorney James Murfin and City Clerk Kendra Porter. Absent: Commissioner David Chapin (arrived at 9:40).

**VISITORS**

Brad Meyer	220 E. 1 <sup>st</sup>	El Dorado, Kansas
Matt Rehder	220 E. 1 <sup>st</sup>	El Dorado, Kansas
Derick Karst	220 E. 1 <sup>st</sup>	El Dorado, Kansas
Kyle McLaren	220 E. 1 <sup>st</sup>	El Dorado, Kansas
David Sundgren	116 W. Central	El Dorado, Kansas
Roger Powers	P.O. Box 550	El Dorado, Kansas
Kirk Demuth	P.O. Box 550	El Dorado, Kansas
Lindsay Baines	1516 W. 3 <sup>rd</sup>	El Dorado, Kansas
Wade C. Graber	3505 W. Towanda	El Dorado, Kansas
Kent Kallenberger	527 Random Rd.	El Dorado, Kansas
Gayle Arnett	1819 Ridge Rd.	El Dorado, Kansas
Ed Burnett	208 Warren Road	El Dorado, Kansas
Tiffani Price	522 W. 12 <sup>th</sup> Ave	El Dorado, Kansas
Sherrill Burke	608 Houser	El Dorado, Kansas
Shelley Belair	812 S.E. Pioneer Rd.	El Dorado, Kansas
Chelsey Harber	811 S.E. Pioneer Rd.	El Dorado, Kansas
James Cook	719 Fredrick Drive	El Dorado, Kansas
Richard Stumpf	649 S.W. 70 <sup>th</sup>	Leon, Kansas

**CALL TO ORDER**

Mayor Tom McKibban called the January 19, 2010 City Commission meeting to order.

**INVOCATION**

The Reverend Wade Graber, First Baptist Church, opened the meeting with prayer.

**PLEDGE OF ALLEGIANCE**

Ms. Slayton’s Third Grade class led the Pledge of Allegiance.

**PUBLIC COMMENTS**

Mayor Tom McKibban opened the floor for public comments.

With no one appearing, Mayor Tom McKibban closed the public comment session.

**CONSENT AGENDA**

- a) Approval of the December 21, 2009 City Commission minutes.
- b) Approval of the December 31, 2009 Special City Commission minutes.
- c) Approve the Engineer’s Fourth Pay Estimate dated December 18, 2009 on Project No. 317, Water System Improvements-NW Pressure Zone to the Contractor, Nowak Construction, in the amount of \$56,967.50.
- d) Approval of 2010 Cereal Malt Beverage license applications as listed:  
Walgreen’s, 119 W. Sixth

**EL DORADO CITY COMMISSION MEETING**

**January 19, 2010**

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

Commissioner Nick Badwey seconded the motion.

Motion carried 4-0.

**FLINT HILLS SOLUTIONS**

Assistant Public Works Director Brad Meyer stated Flint Hills Solutions is a company that provides UAS (unmanned aircraft systems) services to the UAS marketplace including research, design, rapid prototyping, flight operations, emergency response, air space development, and training. Unmanned aircraft systems are being used in many military activities and are becoming widely used in many civilian applications.

Roger Powers, Flint Hills Solutions, provided a video presentation of one of the uses of UAS (unmanned aircraft systems). The UAS would provide an aerial view for Emergency Services. Flint Hills Solution stated that this would not interfere with normal operations of the Airport.

City Manager Herb Llewellyn stated that he would provide this information to the Airport Advisory Commission for their review.

**MAIN STREET GRANT UPDATE**

In November, the City Commission approved hiring a grant writer to apply for approximately one million dollar (\$1,000,000) grant through the 2010 Hope VI Main Street Revitalization. This grant provides funding to rehabilitate property and add living units for low to moderate income residents within the Main Street area.

Grant writer Garrett Nordstrom recommended to Staff that the City Commission not apply for the grant in this cycle. This application is a very complicated form, and he would like to have the next 10 months to develop a high quality grant proposal.

City Manager Herb Llewellyn stated that in addition to educating the downtown owners, the City needs to mark the entire downtown for street improvements.

Commissioner Linda Clark inquired if the grant would be filed by the City or Main Street.

City Manager Herb Llewellyn stated that the City would be the grant recipient.

Commissioner Shane Krause moved to accept the recommendation of Garrett Nordstrom of Governmental Assistance Services.

Commissioner Linda Clark seconded the motion.

Motion carried 4-0.

**ANNUAL PERMIT ACTIVITY REPORT**

Building Official Kyle McLaren presented a spreadsheet to indicate the permit activity over the last three years and discussed the Citywide Neighborhood Revitalization Program (NRP). He reported an increase from four to eleven new construction permits, and an overall approximate \$30,000 increase in permit fees in 2009.

Commissioner Nick Badwey moved to extend the citywide NRP program for seven additional months.

Commissioner Linda Clark seconded the motion.

Motion carried 4-0.

**PROJECT # 310-PAVING BOYER & 6<sup>TH</sup>**

Assistant City Engineer Scott Rickard stated that bids were received for Project #310 on December 16, 2009 in Topeka. Cornejo & Sons of Wichita, Kansas was the lowest bidder. The bid on the project was below the Engineer’s estimate.

Assistant City Engineer Scott Rickard spread the bids for the record.

Cornjeo & Sons	\$2,232,322.67
Dondlinger & Sons	\$2,399,998.20
LaFarge	\$2,396,167.49
Apac Kansas	\$2,468,991.90
Venture Corporation	\$2,607,288.65

Commissioner Linda Clark moved that since Cornejo & Sons, Inc presented the lowest and best bid for Project No. 310 Paving Boyer Rd & Sixth Avenue from Central to Metcalf, the City of El Dorado shall award the contract and commit funds to the State of Kansas.

Commissioner Shane Krause seconded the motion.

Motion carried 4-0.

**APPLICATION TO REZONE PROPERTY FROM R-1 RESIDENTIAL – LOW DENSITY DISTRICT TO C-1 GENERAL BUSINESS DISTRICT. (CASE NO. 09-004-REZ)**

Assistant to the City Manager Matt Rehder stated that Susan B. Allen Hospital is requesting the south half of the 600 block of West Central rezoned from I-1 Light Industrial District to C-2 Central Business District.

At the December 17, 2009 Planning Commission meeting, after review of the facts in the case and the information submitted at the public hearing, the Planning Commission recommended approval of the rezoning application by a vote of 7-0.

**ORDINANCE NO G-1092**

Commissioner Linda Clark moved that the recommendation of the Planning Commission to approve Case No. 09-004-REZ requesting a rezoning of Lots 1 and 2, Block 1 Wilson Addition and the South Half of Block 19, Original Town, be accepted and that Ordinance No. G-1092 be approved.

Commissioner Nick Badwey seconded the motion.

**ROLL CALL**

Position No. 1	Commissioner Shane Krause	Yes
Position No. 2	Commissioner Linda Clark	Yes
Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner David Chapin	Absent
	Mayor Tom McKibban	Yes

**SPECIAL USE PERMIT TO ALLOW AN AUTO REPAIR SHOP ON PROPERTY LOCATED AT 411 S. MAIN. THE PROPERTY IS ZONED I-1 LIGHT INDUSTRIAL DISTRICT. (CASE NO. 09-011-SUP)**

Assistant to the City Manager Matt Rehder stated that Homestead Properties LLC, requested a Special Use Permit to allow an auto repair shop on property located at 411 S. Main. The property is currently zoned I-1 Light Industrial District. At this same meeting, the City Commission approved final action of a rezoning request for this lot from I-1 to C-2 Central Business District.

At the December 17, 2009 Planning Commission meeting, after review of the facts in the case and the information submitted at the public hearing, the Planning Commission approved the Special Use Permit application by a vote of 6-0 with one abstention. The Planning Commission attached the following condition: the applicant will have no outdoor storage of vehicles waiting to be serviced.

**ORDINANCE NO. G-1093**

Commissioner Nick Badwey moved that the recommendation of the Planning Commission to approve Case No. 09-011-SUP requesting a Special Use Permit to allow an Auto Repair Shop on land located at 411 S. Main be approved, with the stated condition, for reasons stated in the Staff report, and that Ordinance No. G-1093 be approved.

Commissioner Shane Krause seconded the motion.

**ROLL CALL**

	Mayor Tom McKibban	Yes
Position No. 1	Commissioner Shane Krause	Yes
Position No. 2	Commissioner Linda Clark	Yes
Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner David Chapin	Absent

**APPLICATION TO REZONE PROPERTY FROM I-1 LIGHT INDUSTRIAL DISTRICT TO C-2 CENTRAL BUSINESS DISTRICT. (CASE NO. 09-003-REZ)**

Assistant to the City Manager Matt Rehder stated that Homestead Properties, LLC, requested property located at 411 S. Main be rezoned from I-1 Light Industrial District to C-2 Central Business District.

At the December 17, 2009 Planning Commission meeting, after review of the facts in the case and the information submitted at the public hearing, the Planning Commission recommended approval of the rezoning application by a vote of 6-0 with one abstention.

**ORDINANCE NO. G-1094**

Commissioner Linda Clark moved that the recommendation of the Planning Commission to approve Case No. 09-003-REZ requesting a rezoning of 411 S. Main, be accepted, and that Ordinance No. G-1094 be approved.

Commissioner Shane Krause seconded the motion.

**ROLL CALL**

Position No. 4	Commissioner David Chapin	Absent
	Mayor Tom McKibban	Yes
Position No. 1	Commissioner Shane Krause	Yes
Position No. 2	Commissioner Linda Clark	Yes
Position No. 3	Commissioner Nick Badwey	Yes

**ENGINEERING – SIDEWALK DISCUSSION**

Assistant City Engineer Scott Rickard stated that the City is currently planning for its eighth year of the residential sidewalk program. In the past, we have repaired sidewalk at the request of the property owners and on average completed work on twenty properties. Last year, we notified citizens by letter that had sidewalk in major disrepair and allowed them to complete the work voluntarily. However, in 2010 we would request that the Commission allow Staff to force repair per City code. The pertinent codes below were discussed.

**12.04.050 Sidewalk--Condemnation and reconstruction.**

When any sidewalk, in the opinion of the governing body, becomes inadequate or unsafe for travel thereon, the governing body may adopt a resolution condemning such walk and providing for the construction of a new walk in the place of the walk condemned. (Prior code § 14-105)

**12.04.060 Notice--Publication--Construction by contract.**

The resolution providing for the construction or reconstruction of a sidewalk, as the case may be, shall give the owner of the abutting property not less than thirty (30) days nor more than sixty (60) days, after its publication one time in the official city paper, in which to construct or cause to be constructed or reconstructed the sidewalk at his own expense. If the sidewalk is not constructed by the property owner within the time specified, the governing body shall cause the work to be done by contract. (Prior code § 14-106)

Commission consensus was to allow property owners an opportunity to repair on their own, and if not, the City will repair and assess the property, interest free.

**ORDINANCE TO AMEND THE INTERNATIONAL RESIDENTIAL CODE REGARDING SMOKE ALARM REQUIREMENTS**

Building Official Kyle McLaren and The Board of Appeals/Code Review recommends the City modify the 2006 International Residential Code as it pertains to smoke alarms in existing homes.

The ordinance would effectively lessen the codes' requirement to add hard-wired, inter-connected smoke alarms in dwellings with only minor work being done. As a tradeoff, this ordinance would require all dwellings to have smoke alarms in bedrooms, adjacent to the bedrooms, and on each story of the dwelling, even if there is not any work being done in the dwelling. Battery powered smoke alarms would be acceptable for these locations with no other work being done.

**ORDINANCE NO. G-1095**

Commissioner Shane Krause moved that Ordinance No. G-1095, an ordinance adopting various amendments to section 15.04.020, titled 2006 International Residential Code of the City of El Dorado Municipal Code, be approved.

Commissioner Linda Clark seconded the motion.

**ROLL CALL**

Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner David Chapin	Absent
	Mayor Tom McKibban	Yes
Position No. 1	Commissioner Shane Krause	Yes
Position No. 2	Commissioner Linda Clark	Yes

**ORDINANCE TO AMEND THE CITY OF EL DORADO MUNICIPAL CODE REGARDING MOVING OF BUILDINGS**

Building Official Kyle McLaren stated that the City has had unforeseen issues arise during the moving of buildings in town. This ordinance will modify how the City handles the moving of buildings. It will clarify what is expected of house movers, establish a maximum timeframe (90 days), and establish penalties for violators.

City Manager Herb Llewellyn stated that this ordinance gives the City some structure to manage a move.

**ORDINANCE NO. G-1096**

Commissioner Linda Clark moved that Ordinance No. G-1096, an ordinance amending Title 15, Chapter 15.12 of the El Dorado Municipal Code relating to moving of buildings, be approved.

Commissioner Shane Krause seconded the motion.

**ROLL CALL**

Position No. 2	Commissioner Linda Clark	Yes
Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner David Chapin	Absent
	Mayor Tom McKibban	Yes
Position No. 1	Commissioner Shane Krause	Yes

**ORDINANCE TO AMEND THE CITY OF EL DORADO MUNICIPAL CODE REGARDING INSURANCE PROCEEDS**

Building Official Kyle McLaren stated that the proposed ordinance modifies the current City ordinance on how to handle insurance proceeds received from policies covering structures in the City of El Dorado arising out of any fire, explosion, windstorm, or any other event. These events are the result of loss or damage to the building or other structure under all policies in excess of seventy-five (75) percent of the face value of the policy covering such building or other insured structure. The changes are consistent with State statutes.

It also establishes regulations for the repair of structures that have been damaged to this extent, creates a swifter timeline for compliance, and establishes penalties for violators.

Mayor Tom McKibban stated his concerns of timely cleanup after a large disaster.

City Manager Herb Llewellyn stated the purpose is to insure proper cleanup in a timely manner. The City will also be reasonable and provide better communication.

**ORDINANCE NO. G-1097**

Commissioner Shane Krause moved that Ordinance No. G-1097, an ordinance amending Title 3, Chapter 3.08 of the El Dorado Municipal Code relating to insurance proceeds fund, be approved.

Commissioner Nick Badwey seconded the motion.

**ROLL CALL**

Position No. 1	Commissioner Shane Krause	Yes
Position No. 2	Commissioner Linda Clark	Yes
Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner David Chapin	Absent
	Mayor Tom McKibban	Yes

**M.O.U. DISCUSSION**

City Manager Herb Llewellyn stated that the City Commission met with representatives from Butler County on September 30, 2009 and December 31, 2009 regarding the Communication's Memorandum of Understanding. The City Commission was supportive of the County's plans and to move forward. The City did ask the County Commission to visit with other Butler cities and consider not funding multiple PSAPs. This MOU relates to Public Safety personnel. The City Commission will still need to discuss radios in other departments as the County transitions to the 800-hertz system.

City Manager Herb Llewellyn stated that the Fire department is comfortable with the radios the County is proposing.

Consensus of the City Commission was to allow Mayor Tom McKibban to sign the MOU.

**BOARD APPOINTMENTS**

City Manager Herb Llewellyn stated that the City Commission appoints members to various advisory boards.

The Recreation Advisory Committee has three positions with expiring terms. The current members are willing and eligible to serve another 2-year term. There are also two other applicants for this committee.

One member from the Library Board resigned recently and the position needs to be filled. There are no applicants at this time.

The CTC has one opening that also needs to be filled. There are no applicants at this time.

**RECREATION ADVISORY BOARD – No Term Limits (2-year term)**

Commissioner Linda Clark moved to appoint Doug Bell, Jane Squires and Troy Morrell to the Recreation Advisory Board for a term set to expire January 15, 2012.

Commissioner Shane Krause seconded the motion.

Motion carried 4-0.

**NEW BUSINESS – DISCUSSION ITEMS**

Mayor Tom McKibban opened the floor for Commissioners' comments.

Commissioner Nick Badwey inquired on the policy concerning the removal of the trash carts from the curbs.

Assistant Public Works Director Brad Meyer stated that carts are supposed to be removed from the curb within twenty-four hours. The City is currently notifying the customers of any violations; however, a fine could be imposed.

Commissioner Badwey also inquired of the fees charged to the Special Olympics for use of the Recreation Center for practice.

City Manager Herb Llewellyn stated that all teams that rent the gyms are non-profit and are charged a fee if they reserve the facility.



**EL DORADO CITY COMMISSION MEETING**

**January 19, 2010**

Commissioner Linda Clark commended Staff on the PowerPoint equipment in the Commission room.

Commissioner Shane Krause thanked all the participants of the Humana packaging event.

Commissioner Krause also reminded citizens that the Prairie Trails restaurant is open for business.

Mayor Tom McKibban requested an update on the stormwater projects.

City Manager Llewellyn stated that he would gather and provide the information to the newspaper.

City Manager Llewellyn also stated that repairs on Fredrick Drive are scheduled to begin this year.

Assistant Public Works Director Meyer stated that small projects have already begun.

**CITY MANAGER'S REPORT**

Assistant Public Works Director Brad Meyer requested that the City Commissioners consider charging for additional clear recycle bags. The City anticipates delivering two rolls of recycle bags once a year in March.

Mayor Tom McKibban stated that abuse should be discouraged and the additional fee will help curb the abuse of recycle bags.

The consensus of the City Commission was to charge \$5 a roll for recycle bags effective January 20, 2010.

**EXECUTIVE SESSION**

Mayor Tom McKibban stated that this item is for the purpose of discussing non-elected personnel and legal issues.

Commissioner Shane Krause moved to recess into an Executive Session for the purpose of discussing non-elected personnel and legal issues, and to reconvene the regularly scheduled meeting in the City Commission room at 10:00 p.m.

Commissioner David Chapin seconded the motion

Motion carried 5-0.

Mayor McKibban reconvened the meeting at 10:05 pm.

**ADJOURNMENT**

Commissioner David Chapin moved to adjourn the meeting at 10:05 pm.

Commissioner Nick Badwey seconded the motion.

Motion carried 5-0.

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City Clerk Kendra Porter

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Mayor Tom McKibban



**EL DORADO CITY COMMISSION MEETING**

**February 1, 2010**

The El Dorado City Commission met in regular session on February 1, 2010 at 7:00 pm in the Commission Room with the following present: Mayor Tom McKibban, Commissioner Linda Clark, Commissioner Nick Badwey, Commissioner Shane Krause, Commissioner David Chapin, City Manager Herb Llewellyn, Assistant City Engineer Scott Rickard, City Attorney James Murfin and City Clerk Kendra Porter.

**VISITORS**

Brad Meyer	220 E. 1st	El Dorado, Kansas
Matt Rehder	220 E. 1st	El Dorado, Kansas
Tabitha Sharp	220 E. 1st	El Dorado, Kansas
Jason Reiswig	220 E. 1st	El Dorado, Kansas
Kurt Bookout	220 E. 1st	El Dorado, Kansas
John Scanlon	220 E. 1st	El Dorado, Kansas
Larry Mars	P.O. Box 965	El Dorado, Kansas
Terri Chowning	823 S. Emporia	El Dorado, Kansas
Heather Wittum	126 N. Emporia	El Dorado, Kansas
Katie Dunham	517 N. Emporia	El Dorado, Kansas
Zach Eaton	824 N. Atchison	El Dorado, Kansas
Kenny & Bobbi Eaton	626 S. Topeka	El Dorado, Kansas
Angela Emery	2610 Country Club	El Dorado, Kansas
Roger Powers	Flint Hills Solutions	
Reverend Bill Caughey	Grace Lutheran Church	El Dorado, Kansas
Julie Clements	El Dorado Times	El Dorado, Kansas
Stephanie Taylor	330 Residence	El Dorado, Kansas

**CALL TO ORDER**

Mayor Tom McKibban called the February 1, 2010 City Commission meeting to order.

**INVOCATION**

The Reverend Bill Caughey, Grace Lutheran Church, opened the meeting with prayer.

**PLEDGE OF ALLEGIANCE**

Ms. Worley’s Third Grade class led the Pledge of Allegiance.

**PUBLIC COMMENTS**

Mayor Tom McKibban opened the floor for public comments.

With no one appearing, Mayor Tom McKibban closed the public comment session.

**CONSENT AGENDA**

- a) Approval of the January 19 2010 City Commission minutes.
- b) Approval of Appropriation Ordinance No. 01-10 in the amount of \$ 2,372,117.32.
- c) Approve the Engineer’s Fifth Pay Estimate dated January 19, 2010 on Project No. 317, Water System Improvements-NW Pressure Zone to the Contractor, Nowak Construction, in the amount of \$71,451.41.

**EL DORADO CITY COMMISSION MEETING**

**February 1, 2010**

- d) Approve the Engineer's First Pay Estimate dated December 31, 2009 on Project No. 243c, 8<sup>th</sup> Street Lift Station-Forcemain Replacement to the Contractor, Middlecreek Corporation, in the amount of \$54,954.00.
- e) Approve the Engineer's First Pay Estimate dated January 25, 2010 on Project No. 243b, Manhole Rehabilitation to the Contractor, Mayer Specialty Services, in the amount of \$92,177.91.
- f) Approval of the Mayor's signing the Neighborhood Revitalization Program Resolution No. 2653 and the Interlocal Agreement (approved at 1-19-10 meeting).

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

Commissioner Shane Krause seconded the motion.

Motion Carried 5-0.

**FLINT HILLS SOLUTIONS**

City Manager Herb Llewellyn stated that at the January 19, 2010 City Commission meeting, Flint Hills Solutions gave a presentation and explained their company's products. Their company provides UAS (unmanned aircraft systems) services to the UAS marketplace, which are becoming widely used in many civilian applications.

City Commissioner David Chapin inquired on how other airplanes will be notified of the unmanned air vehicle operations.

Roger Powers, Flint Hills Solutions, stated that there will be no designated area, and that the operations will not show up on flight charts. However, the FAA requires all UAV be in constant communication and within line of sight with the operator.

Commissioner Chapin inquired if the contract had a cancellation clause.

City Manager Herb Llewellyn stated that the contract has a six-month termination clause.

Commissioner Chapin also inquired on possible future expansion.

Mr. Powers stated that other companies will come to El Dorado for training purposes, and foresees future employment opportunities.

Commissioner Shane Krause inquired if this would limit the City's opportunity for other UAV vendors.

Mr. Powers stated that any other UAV company would have to be approved by the City Commission.

**EXECUTIVE SESSION**

This item is for the purpose of discussing confidential data relating to legal issues.

Commissioner Linda Clark moved to recess into an Executive Session for the purpose of discussing legal issues, and to reconvene the regularly scheduled meeting in the City Commission room at 8:00 p.m.

Commissioner Nick Badwey seconded the motion.

Motion carried 5-0.

Mayor McKibban reconvened the meeting at 8:02 p.m.

**2010 BUDGET AMENDMENT – PRAIRIE TRAILS FUNDS**

City Manager Herb Llewellyn stated that due to the City purchasing the Prairie Trails' property and business, the 2010 budget needs to be amended from \$0 to \$794,876.00 to include budgets for the Prairie Trails Restaurant and the Prairie Trails golf operations.

Commissioner Linda Clark moved to approve the amendment to the 2010 Operating Budget in the Prairie Trails fund as published and presented.

Commissioner Shane Krause seconded the motion.

Motion carried 5-0.

**PRAIRIE TRAILS MANAGEMENT**

City Manager Herb Llewellyn stated that Kemper Sports proposal to manage Prairie Trails Golf and Restaurant is best suited for El Dorado.

Commissioner Nick Badwey moved to direct the City Manager to enter into an agreement with Kemper Sports to manage Prairie Trails Golf and Restaurant.

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

**SALES TAX ADVISORY COMMITTEE APPOINTMENTS**

Mayor Tom Mc Kibban stated that the City Commission appoints members to various advisory boards.

The Sales Tax Advisory Committee is appointed each year before March. The Mayor shall appoint two members, each Commissioner shall appoint one member, and the Planning Commission shall appoint one member

Commissioner Linda Clark moved to appoint Larry Gaston and Jason Burke (Mayor McKibban), Tony Grunder (Commissioner Chapin), Ryan Murry (Commissioner Clark) and Van Pooler (Planning Commission) to the Sales Tax Advisory Board for a one-year term set to expire March 1, 2011.

Commissioner Nick Badwey seconded the motion.

Motion Carried 5-0.

Mayor Tom Mc Kibban stated that the remaining two appointments will be made at the February 15, 2010 City Commission meeting.

**NEW BUSINESS – DISCUSSION ITEMS**

Mayor Tom McKibban opened the floor for Commissioners' comments.

The Commissioners commended Staff on the snow removal during the latest winter storm.

Mayor Tom McKibban commended the Police Department on handling the bomb threat at the high school, and the Recreation Department on the management of Prairie Trails.

**CITY MANAGER'S REPORT**

Assistant City Engineer Scott Rickard provided City Commissioners with updates on the following projects; waterline on Haverhill Road, Eighth Street lift station, Boyer Road, and the Industrial Park rail spur.

City Manager Herb Llewellyn informed the Commissioners on a possible contract on a lot in the Industrial Park.

Commissioner Shane Krause inquired about the erosion control plan.

City Manager Llewellyn stated that the erosion control plan is part of the 2010 comprehensive plan and American Legion survey is included.

Commissioner Linda Clark inquired about the project for the intersection of Central Avenue and Vine Street.

City Manager Llewellyn stated that the plans are currently being developed by Engineering.

City Manager Llewellyn stated that Staff discovered changes in how liquor tax proceeds can be allocated. Butler County liquor tax can only be allocated to domestic violence organizations. Therefore, Staff recommends using increased court cost fees to the non-profit organizations that used to receive liquor tax funds. Consensus of the Commissioners was to allocate the increased court fees to non-profit organizations.

**EXECUTIVE SESSION**

Mayor Tom McKibban stated that this item is for the purpose of discussing non-elected personnel, confidential data relating to financial affairs or trade secrets of second parties, and legal issues.

Commissioner Shane Krause moved to recess into an Executive Session for the purpose of discussing non-elected personnel, confidential data relating to financial affairs or trade secrets of second parties, and legal issues, and to reconvene the regularly scheduled meeting in the City Commission room at 9:15 p.m.

Commissioner Linda Clark seconded the motion

Motion carried 5-0.

Mayor McKibban reconvened the meeting at 9:15 pm.

Commissioner Linda Clark moved to extend the Executive Session until 9:50 p.m.

Commissioner Shane Krause seconded the motion.

**EL DORADO CITY COMMISSION MEETING**

**February 1, 2010**

Motion carried 3-0 (Commissioner David Chapin and Commissioner Nick Badwey remained in the conference room).

**ADJOURNMENT**

Commissioner Shane Krause moved to adjourn the meeting at 10:08 pm.

Commissioner David Chapin seconded the motion.

Motion carried 5-0.

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City Clerk Kendra Porter

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Mayor Tom McKibban

**EL DORADO CITY COMMISSION MEETING**

**February 15, 2010**

The El Dorado City Commission met in regular session on February 15, 2010 at 7:00 pm in the Commission Room with the following present: Mayor Tom McKibban, Commissioner David Chapin, Commissioner Linda Clark, Commissioner Nick Badwey, Commissioner Shane Krause, City Manager Herb Llewellyn, Assistant City Engineer Scott Rickard, City Attorney James Murfin and City Clerk Kendra Porter.

**VISITORS**

Brad Myers	220 E. 1 <sup>st</sup>	El Dorado, Kansas
Matt Rehder	220 E. 1 <sup>st</sup>	El Dorado, Kansas
Ernest Zuech	426 Ohio St.	El Dorado, Kansas
Phil Wickwire	341 Village Rd	El Dorado, Kansas
Tabitha Sharp	220 E. 1 <sup>st</sup>	El Dorado, Kansas
Jack Dickson	323 N. Randall	Potwin, Kansas
Vince Haines	300 N. Star	El Dorado, Kansas
Linda Jolly	2100 Pico	El Dorado, Kansas
Jason & Sharon Holmes	518 S. High St.	El Dorado, Kansas
Darla Carter	P.O. Box 735	El Dorado, Kansas
Aurora Myers	110 S. Gordy	El Dorado, Kansas
Chaplain Mark Somerville	515 W. Locust	El Dorado, Kansas
Julie Clements	El Dorado Times	El Dorado, Kansas

**CALL TO ORDER**

Mayor Tom McKibban called the February 15, 2010, City Commission meeting to order.

**INVOCATION**

Chaplain Mark Somerville, Hospice Care of Kansas, opened the meeting with a prayer.

**PLEDGE OF ALLEGIANCE**

Commissioners led the Pledge of Allegiance.

**PERSONAL APPEARANCE**

Vince Haines, El Dorado Inc. President, presented the 2009 marketing efforts, launching of 360eldorado.com website, committee updates, and 2010 operating initiatives.

Linda Jolly, CVB Director, presented 2009 updates for the Convention and Visitors Bureau.

**PUBLIC COMMENTS**

Mayor Tom McKibban opened the floor for public comments.

With no one appearing, Mayor Tom McKibban closed the public comment session.

**CONSENT AGENDA**

- a) Approval of the February 1, 2010 City Commission minutes.

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

Commissioner David Chapin seconded the motion.

Motion carried 5-0.



**SPECIAL USE PERMIT TO ALLOW A BEAUTY SALON ON PROPERTY LOCATED AT 518 S. HIGH. THE PROPERTY IS ZONED R-1 RESIDENTIAL-LOW DENSITY DISTRICT. (CASE NO. 10-001-SUP)**

Assistant to the City Manager Matt Rehder stated that Sharon Holmes is requesting a Special Use Permit to allow a beauty salon on property located at 518 S. High. The property is currently zoned R-1 Residential-Low Density District.

At the January 28, 2010 Planning Commission meeting, after review of the facts in the case and the information submitted at the public hearing, the Planning Commission approved the Special Use Permit application by a vote of 7-0.

Sharon Holmes, 518 South High, appeared and informed the Commission that a State Inspection will take place Wednesday, February 17, 2010.

**ORDINANCE NO. G-1098**

Commissioner Linda Clark moved that the recommendation of the Planning Commission to approve Case No. 10-001-SUP requesting a Special Use Permit to allow a Beauty Salon on land located at 518 S. High be approved for reasons stated in the staff report and heard at the public hearing and that Ordinance No. G-1098 be approved.

Commissioner Nick Badwey seconded the motion.

**ROLL CALL**

Position No. 1	Commissioner Shane Krause	Yes
Position No. 2	Commissioner Linda Clark	Yes
Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner David Chapin	Yes
	Mayor Tom McKibban	Yes

**NEIGHBORHOOD REVITALIZATION PROGRAM DISCUSSION**

City Manager Herb Llewellyn stated that when a property is admitted into the NRP due to a fire or some kind of blight and the property has already had the value set by the Appraiser’s office on January 1, the property may not receive a rebate if it has been remodeled before the next January 1 rolls around. The Appraiser’s office will not (or cannot) re-set the value due to the fire/blight. This may not affect many properties, but with the ‘builder’s amendment’ to the NRP in 2009 and 2010, it may affect several.

Consensus of the Commission was for the City Manager to inquire with the County Appraiser’s office to see if changes could be made outside of the standard appraisal date.

**LIQUOR TAX FUND**

The City has requested the use of alcohol tax monies for 2010. Due to a change in the City’s interpretation of the statute as related to cities in Butler County, the Commission may allocate monies in 2010 from two funds (the Liquor Tax Fund #17, and the Special Community Support Program and Parks and Recreation Fund #16). Each fund has different eligibility requirements.

State law requires the alcohol funds that are in the Liquor Tax Fund #17 be spent “...only for the purchase, establishment, maintenance or expansion of services or programs whose principal purpose is alcoholism and drug abuse prevention and education, alcohol and drug detoxification, intervention in alcohol and drug abuse or treatment of persons who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers.”

The remaining balance in the Liquor Tax Fund is \$7630.60; therefore, the 2010 allocation by the City Commission cannot exceed that amount. Due to the change in the interpretation of the statute, monies are no longer being placed in this fund.

State law requires the alcohol funds that are in the Special Community Support Program and Parks and Recreation Fund #16 be spent "...only for (1) the establishment and operation of a domestic violence program operated by a not-for-profit organization or (2) the purchase, establishment, maintenance or expansion of park and recreational services, programs and facilities. Staff recommends that the portion of these monies previously deposited to the Liquor Tax Fund (prior to the new interpretation of the statute) now be allocated for domestic violence programs as outlined in item #1 of the statute.

**ALLOCATION FROM LIQUOR TAX FUND**

Commissioner Linda Clark moved to allocate the portion of the alcohol tax monies remaining in the Liquor Tax Fund in the following manner and to authorize the City Manager to execute the appropriate documents and contracts with the following recipients and that these funds are disbursed consistent with Kansas statutes:

<u>Requesting Organization</u>	<u>2009 Allocation</u>	<u>Commission Allocation</u>
Counseling Center	N/A	\$ 4,000
El Dorado Elks Lodge #1407	\$ 3,000	\$ 3,000
Ministry To Survivors	\$ 1,500	\$ 1,000
SCARF	\$ 1,500	\$ 2,000
Other:		
(Youth Leadership Butler)	\$300	Nothing requested in 2010
(Mothers Against Meth)	\$2000	Nothing requested in 2010
Total	\$16,300	\$10,000

Commissioner Nick Badwey seconded the motion.

Motion carried 5-0.

**ALLOCATION FROM SPECIAL COMMUNITY SUPPORT PROGRAM AND PARKS AND RECREATION FUND**

Commissioner Linda Clark moved to allocate a portion of the alcohol tax monies in the Special Community Support Program and Parks and Recreation Fund in the following manner and to authorize the City Manager to execute the appropriate documents and contracts with the following recipients and that these funds are disbursed consistent with Kansas statutes:

<u>Requesting Organization</u>	<u>2009 Allocation</u>	<u>Commission Allocation</u>
Family Life Center	N/A	\$10,000
Total	\$ N/A	\$10,000

Commissioner Shane Krause seconded the motion.

Motion carried 5-0.

**TEMPORARY NOTE – PROJECT NO. 317**

Assistant City Engineer Scott Rickard requested funding for Project No. 317 (West Water Pressure Zone) in the amount of \$1,260,000.00 to finance and complete Project No. 317.

**RESOLUTION NO. 2654**

Commissioner Nick Badwey moved that Resolution No. 2654, a resolution providing for the issuance of Temporary Note No. 1881 for Project No. 317 (West Water Pressure Zone) in the total principal amount of \$1,260,000.00 be adopted.

Commissioner David Chapin seconded the motion.

Motion carried 5-0.

**SALES TAX COMMITTEE APPOINTMENTS**

The Sales Tax Advisory Committee is appointed each year and several members were appointed at the previous City Commission meeting.

**SALES TAX ADVISORY BOARD – No Term Limits (1-year term)**

Commissioner Nick Badwey moved to appoint Randy Wells (Commissioner Badwey) and James Holderman (Commissioner Krause) to the Sales Tax Advisory Board for a one-year term set to expire March 1, 2011.

Commissioner Shane Krause seconded the motion.

Motion carried 5-0.

**NEW BUSINESS – DISCUSSION ITEMS**

Mayor Tom McKibban opened the floor for Commissioners' comments.

Commissioner Linda Clark requested for clarification of recycle bag delivery.

Assistant Public Works Director Brad Meyer informed the Commission that recycle bags will be delivered every March.

Commissioner Nick Badwey invited the Community to Trinity Episcopal Church for the Tuesday night pancake drive.

**CITY MANAGER'S REPORT**

City Manager Herb Llewellyn stated that the Hope VI grant meeting will take place on March 9, 2010 at 6:00 p.m.

El Dorado Inc. is hosting a meeting on March 17, 2010 at 5:30 at the Civic Center regarding the City and County comprehensive plans. This meeting is open to the public.

In the past, Prairie Port Festival held a pole vault competition. The coordinators of this event have requested to close North Main for this competition. Staff is recommending this event be held on First Avenue so that Main Street remains open. Consensus was to close First or Second Avenue if conducive for the competition.

The City of El Dorado has received a draft contract from Kemper Sports for Prairie Trails operations. Staff is making final revisions with an anticipated operation date in March; no later than April 1, 2010.

Assistant Public Works Director Brad Meyer informed the Commission that snow removal during the last storm was done at night to get curb to curb removal. With downtown snow removal, staff also shoveled paths for citizens to get onto sidewalks.

Consensus of the Commission was to continue to provide downtown snow removal.

**EXECUTIVE SESSION**

Mayor Tom McKibban stated that this item is for the purpose of discussing non-elected personnel and legal issues.

Commissioner Nick Badwey moved to recess into an Executive Session for the purpose of discussing non-elected personnel and legal issues, and to reconvene the regularly scheduled meeting in the City Commission room at 8:45 p.m.

Commissioner David Chapin seconded the motion.

Motion carried 5-0.

Mayor McKibban reconvened the meeting at 8:46 p.m.

Commissioner Linda Clark moved to extend the Executive Session until 9:05 p.m.

Commissioner Nick Badwey seconded the motion.

Motion carried 3-0 (Commissioner Shane Krause and Commissioner David Chapin reminded in the conference room).

Mayor McKibban reconvened the meeting at 9:15 p.m.

**SUGGESTED MOTION**

Commissioner Nick Badwey moved to adjourn the meeting at 9:15 p.m.

Commissioner David Chapin seconded the motion.

Motion carried 5-0.

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City Clerk Kendra Porter

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Mayor Tom McKibban

**EL DORADO CITY COMMISSION MEETING**

**March 1, 2010**

The El Dorado City Commission met in regular session on March 1, 2010 at 7:00 pm in the Commission Room with the following present: Mayor Tom McKibban, Commissioner Linda Clark, Commissioner Nick Badwey, Commissioner David Chapin, Commissioner Shane Krause, City Manager Herb Llewellyn, Assistant City Engineer Scott Rickard, City Attorney James Murfin and City Clerk Kendra Porter.

**VISITORS**

Brad Meyer	220 E. 1 <sup>st</sup>	El Dorado, Kansas
Kyle McLaren	220 E. 1 <sup>st</sup>	El Dorado, Kansas
Curt & Janet Johnson	1504 Terrace Dr.	El Dorado, Kansas
Tabitha Sharp	220 E. 1 <sup>st</sup>	El Dorado, Kansas
Ken Nakaten	220 E. 1 <sup>st</sup>	El Dorado, Kansas
Dana Korkki	2925 W. 5 <sup>th</sup>	El Dorado, Kansas
Mike Bellesine	1660 Troon N.	El Dorado, Kansas
Curt Ziemann	220 E. 1 <sup>st</sup>	El Dorado, Kansas
Charlene Miller	Butler Cnty Emergency Mgmt.	El Dorado, Kansas
Joni & Samantha Runyan	918 Orient	El Dorado, Kansas
Clarice Bolen	511 W. Central Ave	El Dorado, Kansas
Ruth Ann Bolen	511 W. Central Ave	El Dorado, Kansas
Kathy Shum	815 Rim Rock Road	El Dorado, Kansas
Glorie Galindo	2525 Central	El Dorado, Kansas
Nick & Brent M. Buckley	1744 Candace Lane	El Dorado, Kansas
Katie Goebel	2125 Pico Court	El Dorado, Kansas
Dan Demo	708 Meadow	El Dorado, Kansas
Natalie Donges	2873 SE Hwy 54	El Dorado, Kansas

**CALL TO ORDER**

Mayor Tom McKibban called the March 1, 2010 City Commission meeting to order.

**INVOCATION**

Commissioner Linda Clark opened the meeting with a prayer.

**PLEDGE OF ALLEGIANCE**

Ms. Debbie Smith’s Grandview Third Grade Students Ms. Debbie Smith led the Pledge of Allegiance.

**PROCLAMATION**

Assistant Director of Butler County Emergency Management Charlene Miller gave a brief presentation regarding severe weather awareness week, March 8 – 12, 2010.

Mayor Tom McKibban read the proclamation proclaiming the week of March 8-12, 2010, as Severe Weather Awareness Week.

**PUBLIC COMMENTS**

Mayor Tom McKibban opened the floor for public comments.

Mike Bellesine, 1660 Troon North, informed the Commission of the Police Department’s prompt response to a call on Tuesday, February 23, 2010.

City Manager Herb Llewellyn advised the Commission that the pole vault event may require future discussion regarding location. The event staff feels North Main is still the ideal location.

Dan Demo, 708 Meadow, requested to close Main Street between Central and First, on July 24, 2010, 10:00 a.m. – 11:30 p.m. for the pole vault event. Dan presented the concerns regarding the effects of the wind, and the visibility with proposed location on First or Second Avenue. This event is used to raise money for the El Dorado Pole Vaulting Team.

Consensus was to close North Main on July 24, 2010, for pole vault event.

Natalie Dodges, 2873 SE Hwy 54, stated her concerns of citizens living in RV's behind a business at 1516 ½ West Sixth that are not tied down or secured.

City Manager Herb Llewellyn stated that El Dorado does not allow this and it will be addressed.

**CONSENT AGENDA**

- a) Approval of the February 15, 2010, City Commission minutes.
- b) Approval of Appropriation Ordinance No. 02-10 in the amount of \$2,092,733.39.
- c) Approve the Engineer's Second & Final Pay Estimate dated February 17, 2010 on Project No. 243B, Manhole Rehabilitation to the Contractor, Mayer Specialty Services, in the amount of \$37,194.59.
- d) Approve the Engineer's Sixth Pay Estimate dated February 22, 2010 on Project No. 317, Water System Improvements-NW Pressure Zone to the Contractor, Nowak Construction, in the amount of \$192,400.50.

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

Commissioner Nick Badwey seconded the motion.

Motion carried 5-0.

**WEST FIRE STATION UPDATE**

City Manager Herb Llewellyn stated that this year's budget contains funds (\$750,000) for a West Fire Station.

Fire Chief Ken Nakaten gave an update on a pending grant we applied for; however reluctant that the City will be a recipient of the grant due to the number of applicants

The suggested location for a West Substation is North of Sixth Avenue across from Oil Hill School. This location will house the Butler County Fire Science program for along with facilities for the Army Reserve.

The Army Reserve will require certain security requirements, fencing, and perimeter set-backs.

The City would evaluate costs associated with addition building space and lease to Butler County Community College. The accommodations would not be configured without a lease agreement from the College.

Fire Chief Nakaten stated that they have selected a firm out of Wichita however; no contract has been entered into.

**WIND AND WATER ELECTRICAL GENERATION GRANTS UPDATE**

Public Utilities Director Kurt Bookout updated the City Commission regarding grants for electrical generation by wind and water sources.

The Federal Government is awarding grants up to \$250,000.00 for wind turbines, as long as the project is in excess of \$1,000,000.00. Stipulations of grant are that the energy must be used on site and turbines must be constructed the United States.

**PROJECT NO. 342-NW INDUSTRIAL PARK-SANITARY SEWER, LIFT STATION, FORCEMAIN & WATER MAIN AND PAVING & DRAINAGE IMPROVEMENTS**

Assistant City Engineer Scott Rickard stated the improvements were needed to serve the businesses of BG Products, Inc, Barton Solvents, and future developments.

Bids received were below the Engineer’s estimates.

Assistant City Engineer Scott Rickard spread the bids:

**Bids for Project No. 342-Sanitary Sewer, Lift Station, Forcemain & Water Main**

	<u>Total Project Bids</u>
Engineer’s Estimate	\$630,334.00
Dondlinger & Sons	\$437,947.00
Nowak Construction	\$522,440.50
Smoky Hill	\$620,169.90

**Bids for Project No. 342-Paving & Drainage Improvements-Base Bid (Asphalt)**

	<u>Total Project Bids</u>
Engineer’s Estimate	\$1,052,343.00
Dondlinger & Sons	\$ 806,383.15
APAC-Kansas	\$ 821,524.15
Lafarge North America	\$ 841,643.90
Cornejo & Sons	\$ 884,270.15
Conspec (Kansas Paving)	\$ 958,852.15

**Bids for Project No. 342-Paving & Drainage Improvements-Pavement Alternate # 1 (Concrete)**

	<u>Total Project Bids</u>
Engineer’s Estimate	\$1,238,932.00
Dondlinger & Sons	\$ 823,991.35
APAC-Kansas	\$ 824,197.35
Lafarge North America	\$ 893,288.10
Cornejo & Sons	\$ 924,868.15
Conspec (Kansas Paving)	\$ 923,447.35
Vogts-Parga	\$ 870,246.25
Wildcat Construction	\$ 969,862.30
Smoky Hill	\$1,383,455.90

Commissioner Nick Badwey moved that as Dondlinger & Sons has submitted the lowest and best bid for Project No. 342-Sanitary Sewer, Lift Station, Forcemain & Water Main, and since their bid of \$437,947.00 was under the Engineer’s Estimate, the City Manager be directed to award the contract to said contractor providing that the company furnish the proper bonds, and meets EDA approval.

Commissioner Shane Krause seconded the motion.

Motion carried 5-0.

Commissioner Nick Badwey moved that as Dondlinger & Sons has submitted the lowest and best bid for Project No. 342-Paving & Drainage Improvements (Pavement Alternate No. 1)(Concrete), and since their bid of \$823,991.35 was under the Engineer's Estimate, the City Manager be directed to award the contract to said contractor providing that the company furnish the proper bonds, and meets EDA approval.

Commissioner David Chapin seconded the motion.

Motion carried 5-0.

**BOARD APPOINTMENTS**

A member resigned from the Library Board and an application has been received from Susan Zieman, 524 Village Road, El Dorado, Kansas.

**LIBRARY BOARD – 2 Consecutive Terms (4-year term)**

Commissioner Linda Clark moved to appoint Susan Zieman to the Library Board for a term set to expire May 1, 2011.

Commissioner David Chapin seconded the motion.

Motion carried 5-0.

**NEW BUSINESS – DISCUSSION ITEMS**

Mayor Tom McKibban opened the floor for Commissioners' comments.

Commissioner Linda Clark inquired on the College Acres contract status with the rural water district.

City Manager Herb Llewellyn stated that he, and Public Utilities Director Kurt Bookout and he will be attending a district meeting this month.

Commissioner Linda Clark requested an update on the Butler County Homeless Initiative.

City Manager Herb Llewellyn gave an overview of the Butler County Homeless Initiative. The proposed location does not meet land requirements for a shelter facility. City Staff is concerned with the building requirements to convert a single family dwelling. City Staff will attend the Homeless Initiative meeting.

Mayor Tom McKibban expressed concerns that this shelter will become a half way house for prisoners. Concern was expressed if the surrounding communities were willing to help finance the shelter.

**CITY MANAGERS REPORT**

No report



**EXECUTIVE SESSION**

This item is for the purpose of discussing non-elected personnel and legal issues.

Commissioner Nick Badwey moved to recess into an Executive Session for the purpose of discussing non-elected personnel and legal issues, and to reconvene the regularly scheduled meeting in the City Commission room at 9:00 p.m.

Commissioner David Chapin seconded the motion.

Motion carried 5-0.

**SUGGESTED MOTION**

Commissioner Nick Badwey moved to adjourn the meeting.

Commissioner David Chapin seconded the motion.

Motion carried 5-0.

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City Clerk Kendra Porter

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Mayor Tom McKibban

The El Dorado City Commission met in special session on March 9, 2010, at 3:30 pm in the Commission Room with the following present: Mayor Tom McKibban, Commissioner Linda Clark, Commissioner Nick Badwey, Commissioner Shane Krause, Commissioner David Chapin, City Manager Herb Llewellyn, Assistant City Engineer Scott Rickard, and Finance Director Dee Anne Grunder. Absent: City Attorney Jim Murfin, and City Clerk Kendra Porter.

**VISITORS**

Brad Meyer	220 E. 1st	El Dorado, Kansas
Julie Clements	El Dorado Times	El Dorado, Kansas
Tabitha Sharp	220 E. 1st	El Dorado, Kansas
Doug Danaher	Wilson & Company	Wichita, Kansas
Bill Legge	Wilson & Company	Wichita, Kansas

**CALL TO ORDER**

Mayor Tom McKibban called the March 9, 2010, Special City Commission meeting to order.

**FEMA LEVEE CERTIFICATION**

Assistant City Engineer Scott Rickard discussed the requirements for the levee certification in order for the levee to withstand the 100-year flood event.

Doug Danaher and Bill Legge, Wilson & Company representatives, presented Phase I proposal for the levee certification project.

**FEMA LEVEE ACCREDITATION REQUIREMENTS**

- Design Criteria
- Operation Plan
- Maintenance Plan
- Certified Levee System as-built plans

**DATA COLLECTED**

- US Army Corps of Engineers (USACE) Tulsa District
- Federal Emergency Management Agency (FEMA)
- Kansas Department of Transportation (KDOT)
- National Oceanic and Atmospheric Admin (NOAA)
- US Geological Survey (USGS)
- US Department of AG / Dept of Natural Resources (USDA NRCS)
- UP RR
- City files
- Wilson & Company (Field Survey, Levee History, Field Inspection, Bridge Design Files)

City Manager Herb Llewellyn stated that when the City was notified by FEMA, the City approached Butler County to try to venture into a co-op in Phase 1 to see if the current levees would qualify for certification.

Assistant City Engineer Scott Rickard stated that the deadline was June 2009, to certify our levee. The certification was not completed; therefore, the City has until September 2011 to develop our plan of action.

Doug Danaher, Wilson & Company, stated that they are waiting on FEMA to collect data and present certifying models to give to cities for certification.

Doug Danaher, Wilson & Company, suggested that the City allow Wilson & Company to study the Hydrology (calculating the amount of water that gets to the levee).

**DESIGN CRITERIA REQUIREMENTS**

- Freeboard
- Closures
- Embankment Protection
- Embankment and Foundation Stability
- Settlement Analysis
- Interior Drainage

**OPERATION PLAN (LEVEE AND INTERIOR)**

- Flood Warning Systems (Both Systems)
- Plan of Operation (Both Systems)
- Periodic Operation of Closures
- Manual Backup (Interior Systems)
- Periodic Inspection (Interior System)

Currently the City has no operation plan.

**MAINTENANCE PLAN**

- Levee Systems
- Internal Systems
- Periodic Inspection (Interior System)

Currently the City has no maintenance plan.

**SUGGESTION FOR PHASE II**

- Coordinate, obtain and review FEMA ground surface elevation (LiDar) data and supplement with field survey if necessary for building elevations, interior drainage and embankment stability.
- Update hydrology for the west branch Walnut River and provide to FEMA.
- Coordinate, obtain and review FEMA updated hydraulic models for west branch of the Walnut River,
- If a tie-back levee is needed on the north end of the levee, complete a concept design for the tie-back levee, for cost estimating and alignment for geotechnical analysis.
- Assuming rehabilitation will be necessary for the section of levee that was breached and repaired in 1979, develop a concept cost estimate.
- Determine updated floodplains with and without levee and complete a “Do Nothing” analysis.

If it's determined to move forward with certification, complete the following:

- Perform an embankment and foundation stability and seepage analyses of the existing levee and US-54 tie-back, plus additional analysis for a proposed tie-back levee.
- Perform settlement analysis.
- Evaluate embankment protection where 1979 failure occurred using updated hydrology and hydraulic models.
- Complete interior drainage analysis using updated ground surface elevation data.
- Review outfall video inspections to verify functionality and structural integrity.
- Create an Operation & Maintenance Manual and verify functionality levee system components.
- Develop as-built plans to reflect current conditions.
- Verify maintenance and repair requirements identified during Phase I have been addressed.
- Complete a Phase II report to be submitted to FEMA.

Assistant City Engineer Scott Rickard recommended the City move forward with the hydrology analysis at a cost of \$30,000.00.

**ADJOURNMENT**

Commissioner Linda Clark moved the meeting adjourned at 5:00 pm.

Commissioner Shane Krause seconded the motion.

Motion Carried 5-0.

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City Clerk Kendra Porter

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Mayor Tom McKibban

**EL DORADO CITY COMMISSION MEETING**

**March 18, 2010**

The El Dorado City Commission met in regular session on March 15, 2010 at 7:00 pm in the Commission Room with the following present: Mayor Tom McKibban, Commissioner Linda Clark, Commissioner Nick Badwey, Commissioner David Chapin, Commissioner Shane Krause, City Manager Herb Llewellyn, Assistant City Engineer Scott Rickard, City Attorney James Murfin and City Clerk Kendra Porter.

**VISITORS**

Julie Clements	El Dorado Times	El Dorado, Ks
Reverend Meredith Bellows	Susan B. Allen	El Dorado, Ks
Malcolm Shaffer	1972 Hazlett	El Dorado, Ks
Ronald Eisenbise	501 W. Towanda	El Dorado, Ks
Krystal Wallace	515 N. Washington	El Dorado, Ks
Marilyn Hall	1770 Country Club Rd. #10	El Dorado, Ks
Danny Chappell	11755 E. Waterman	Wichita, Ks
Trish Menadue	348 Marmaton Rd.	El Dorado, Ks
Taylor Briscoe	705 Maplewood Dr.	El Dorado, Ks
Garret Armstrong	515 School Rd	El Dorado, Ks
Alex Pennington	2320 Genty Ln	El Dorado, Ks
Tabitha Sharp	220 E. 1 <sup>st</sup> Ave	El Dorado, Ks
Brad Meyer	220 E. 1 <sup>st</sup> Ave	El Dorado, Ks
Jason Reiswig	220 E. 1 <sup>st</sup> Ave	El Dorado, Ks
John Scanlon	220 E. 1 <sup>st</sup> Ave	El Dorado, Ks
Steve Showalter	76 Plum Ave	Inman, Ks
Keith Hanley	VP of Operations, Kemper Sports	Dallas, Texas
Chris Tuohey	GM at Sandcreek Station Golf	Newton, Ks.

**CALL TO ORDER**

Mayor Tom McKibban called the March 15, 2010 City Commission meeting to order.

**INVOCATION**

The Reverend Meredyth Bellows, Susan B. Allen Memorial Hospital, opened the meeting with prayer.

**PLEDGE OF ALLEGIANCE**

Julie Clements, El Dorado Times, lead the Pledge of Allegiance.

**PROCLAMATION**

Mayor Tom McKibban read the proclamation proclaiming the City of El Dorado partners in the 2010 Census.

**PUBLIC COMMENTS**

Mayor Tom McKibban opened the floor for public comments.

Krystal Wallace, 515 North Washington, read a prepared statement regarding the Butler County Homeless Initiative. The committee members were concerned that they were not informed that the Commission was going to discuss their concerns of the home’s location. Krystal expressed concerns that the City assumed the home was going to be targeting recent prisoners.

Mayor Tom McKibban explained that the Butler County Homeless Initiative was not an agenda item for the March 1, 2010 meeting.

City Manager Herb Llewellyn explained that if this became an agenda item, Butler County Homeless Initiative would be invited.

**CONSENT AGENDA**

- a) Approval of the March 1, 2010, City Commission minutes.
- b) Approval of the March 9, 2010, Special City Commission Minutes.

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

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

**KEMPER SPORTS**

At the February 1, 2010 City Commission meeting, the Commission directed the City Manager to enter into a contract with Kemper Sports to manage Prairie Trails Golf and Restaurant.

The contract was reviewed by City Attorney James Murfin, City Manager Herb Llewellyn and other staff members. Staff recommends approval of the contract.

Commissioner Shane Krause addressed Kemper Sports in regards to how many employees they would bring to the area or hire within the city.

Vice President of Operations Keith Hanley informed the Commission that they are currently looking for a General Manager, and current employees will become employees of Kemper Sports.

Commissioner Linda Clark asked if the Prairie Trails Golf and Restaurant will retain the name of Prairie Trails Golf and Restaurant.

Kemper Sports will make recommendations to the City of El Dorado if they wish to change the name or logo.

Mayor Tom McKibban inquired on how Kemper Sports will enforce rules of conduct.

V.P. of Operations Keith Hanley stated that, Kemper Sports will enforce rules of conduct as with other locations.

Commissioner Nick Badwey inquired if there will be reciprocating agreements with other facilities managed by Kemper Sports.

V.P. of Operations Keith Hanley stated that there will be a reciprocating agreement between Prairie Trails Golf and Restaurant and other Kemper Sports locations.

Commissioner David Chapin inquired if there will be an area for storing personal golf carts.

Kemper is meeting with staff to see what the options are for storage of personal golf carts.

Commissioner Nick Badwey moved to ratify the contract between the City of El Dorado and Kemper Sports Management, and to authorize the Mayor to sign the contract.

Commissioner David Chapin seconded the motion.

Motion carried 5-0.

**HOPE VI GRANT DISCUSSION**

Administrative Intern Tabitha Sharp presented a recap of the Hope VI Grant and the public meeting that was held on March 9, 2010.

Administrative Intern Tabitha Sharp discussed the purpose of the Hope VI Grant and the scoring to be eligible for the grant. Up to one million dollars is available in grant money for each applicant.

Requirements for the grant are:

- Initial residents must be low-income – In El Dorado a family of four with an adjusted gross income is between \$31,450.00 and \$50,300.00.
- Team Capacity, Experience, Knowledge and Administration
- Readiness
- Appropriateness and Feasibility
- Meeting the Needs of the Low-Income Population
- Main Street Revitalization
- Energy Efficiency
- Visitability

Applications will need to be submitted by May 24, 2010 to the City of El Dorado. Selection process will be completed by July 26, 2010. Landowners will work with the Main Street Organization to complete the application process. Grant application will be turned in by December 31, 2010.

Mayor Tom McKibban recessed at 8:00 p.m., to walk over to McDonald Park to view the fireworks that were discharged from the dam to see if they are visible from town.

Mayor Tom McKibban reconvened the meeting at 8:10 p.m.

**BOARD APPOINTMENT**

The City Commission appoints members to various advisory boards. There has been one opening on the Convention & Tourism Committee and an application has been received.

Commissioner Shane Krause moved to appoint Bill Wixon to the Convention and Tourism Committee for a term set to expire May 1, 2011.

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

**NEW BUSINESS – DISCUSSION ITEMS**

Steve Showalter, 76 Plum Avenue, shot 3”, 4”, and 5” firework shells to make sure they were visible from town. Mr. Showalter would like to make this work for the July 4, 2010 holiday.

Commissioner Shane Krause stated that he has received inquiries from the community regarding whether the Library is used for a storm shelter.

City Manager Herb Llewellyn said that the Library is not a site that has been considered as a shelter. The first site that is opened for a shelter is the Senior Center; second site is the Civic Center, and also the basement at City Hall. However City Hall is not ADA accessible.

Commissioner Shane Krause requested that the City research opening the Library for families in the area of the library.

**EL DORADO CITY COMMISSION MEETING**

**March 18, 2010**

Commissioner Shane Krause has been approached by citizens regarding the drainage ditch at Braum’s. The citizens thought that the special assessments were to create a culvert at that location.

Assistant City Engineer Scott Rickard stated that there should not be any specials for storm drainage work in the CIP (Capital Improvement Plan) until 2013.

Mayor Tom McKibban expressed concern with the high water bills.

City Clerk Kendra Porter explained the averaging process and months used for sewer average.

Commissioner Shane Krause updated the City on the meeting with the Butler County Solid Waste committee. Proposed budget for 2010 for the landfill is over 1.7 million dollars.

Mayor Tom McKibban inquired if the City has implemented fines for citizens who leave their trash carts at the curb after 24 hours.

Assistant Director of Public Works Brad Meyer stated that the City is in the beginning phase of tagging the carts with warning notices.

The consensus of the Commission was to start fining citizens for not pulling their carts from the curb on April 1, 2010.

**CITY MANAGER’S REPORT**

City Manager Herb Llewellyn stated that Staff has recommended we not go forth with the hydrology analysis on levee certification.

Assistant City Engineer Scott Rickard stated that the proposal was only to certify the existing levee in case of a 100 year flood.

**EXECUTIVE SESSION**

This item is for the purpose of discussing non-elected personnel and legal issues.

Commissioner Linda Clark moved to recess into an Executive Session for the purpose of discussing non-elected personnel and legal issues, and to reconvene the regularly scheduled meeting in the City Commission room at 9:30 p.m.

Commissioner Shane Krause seconded the motion.

Motion carried 5-0.

Mayor Tom McKibban reconvened the meeting at 9:40 p.m.

**SUGGESTED MOTION**

Commissioner Nick Badwey moved to adjourn the meeting at 9:40 p.m.

Commissioner David Chapin seconded the motion.

Motion carried 5-0.



**EL DORADO CITY COMMISSION MEETING**

**APRIL 5, 2010**

The El Dorado City Commission met in regular session on April 5, 2010 at 7:00 pm in the Commission Room with the following present: Mayor Tom McKibban, Commissioner Nick Badwey, Commissioner David Chapin, Commissioner Shane Krause, City Manager Herb Llewellyn, Assistant City Engineer Scott Rickard, City Attorney James Murfin and City Clerk Tabitha Sharp. Absent – Commissioner Linda Clark.

**VISITORS**

Steve Hyson	1740 W. 3 <sup>rd</sup>	El Dorado, Ks
Ted & Teresa Sisk	1715 Rado	El Dorado, Ks
Brad & Isabella Baumgartel	601 S. Race	El Dorado, Ks
Mark & Ean Anders	1765 Lakeland Dr	El Dorado, Ks
Mark & Jamie Koonts	1840 Megan Circle	El Dorado, Ks
Terry Rogers	5601 N.E. Ellis Rd	El Dorado, Ks
Kathy Shum	815 Rim Rock Rd	El Dorado, Ks
Louise & Emily Tharp	1411 Crescent	El Dorado, Ks
Trey & Keri Myers	1535 County Club Rd	El Dorado, Ks
Jody, Trey, & Jena McNemee	1529 Norwood	El Dorado, Ks
Mark McNemee	1957 Arlington	El Dorado, Ks
James Cook	719 Fredrick Dr	El Dorado, Ks
John Scanlon	220 E. 1 <sup>st</sup> Ave	El Dorado, Ks
Jason Reiswig	Kemper Sports	El Dorado, Ks
Chris Tuohey	Kemper Sports	El Dorado, Ks
Kevin Picknell	704 Maplewood	El Dorado, Ks
John Templin	515 N. West	Leon, Ks
Kevin Monroe	503 S. Washington	El Dorado, Ks
Joe & Angela Zepeda	1112 S. High	El Dorado, Ks
Dick Morris	2530 Kinder Dr	El Dorado, Ks
Rick McNary	521 Whispering Meadow	Potwin, Ks
Richard Kuhns, M.D.	1860 Lawndale	El Dorado, Ks
Sam McVay, Jr.	141 N. Emporia	El Dorado, Ks
Suzi Thien	110 S. Gordy	El Dorado, Ks
Aurora Myers	110 S. Gordy	El Dorado, Ks
Julie Clements	El Dorado Times	El Dorado, Ks

**CALL TO ORDER**

Mayor Tom McKibban called the April 5, 2010, City Commission meeting to order.

**INVOCATION**

The Reverend Steve Hyson, Trinity United Methodist Church opened the meeting with prayer.

**PLEDGE OF ALLEGIANCE**

Mrs. Debbie Smith’s class, from Grandview Elementary, lead the Pledge of Allegiance.

**PERSONAL APPEARANCE**

City Manager, Herb Llewellyn presented City Finance Director, Dee Anne Grunder with the GFOA Certificate of Achievement for Excellence in Financial Reporting for the year 2008.

This is the 32<sup>nd</sup> consecutive year that the City of El Dorado has received this award.

**PROCLAMATION**

Mayor Tom McKibban read the proclamation proclaiming the City of El Dorado partners in the Prevention of Child Abuse Month for the month of April 2010.

Mayor Tom McKibban read the proclamation proclaiming the City of El Dorado partners in Fair Housing Month for the month of April 2010.

**PUBLIC COMMENTS**

Mayor Tom McKibban opened the floor for public comments.

No public comments

**CONSENT AGENDA**

- a) Approval of the March 15, 2010, City Commission minutes.
- b) Approval of the Appropriation Ordinance No. 03-10 in the amount of \$1,652,931.46
- c) Commissioner Shane Krause stated that we need to change the minutes from the March 15, 2010 City Commission Meeting. The City Manager's report should read; "City Manager Herb Llewellyn stated that staff recommended that we do not go forth with the hydrology study."

Commissioner David Chapin moved that the Consent Agenda, with changes, be approved.

Commissioner Nick Badwey seconded the motion.

Motion carried 4-0.

**MUNICIPAL BAND AGREEMENT**

The 2010 Budget includes an allocation of \$6,925.00 to the Municipal Band Association. A representative from the band will be present to update the City Commission on the schedule of events for the 2010 Municipal Band season.

President of Municipal Band, Angela Zapata, stated that the first concert will be June 3, 2010 at the band shell in Forest Park at 8:00 p.m. Glad Day concert will be held June 14, 2010. June 17, 2010, the Army National Guard will be playing with the Municipal Band. The July 4, 2010 concert is uncertain as they are not sure they will have enough members to perform. July 17, 2010 there will be an Ice Cream social during the Veteran's event at El Dorado Lake.

Commissioner Shane Krause moved to approve the 2010 Municipal Band Agreement.

Commissioner David Chapin seconded the motion.

Motion carried 4-0.

**EL DORADO CITY COMMISSION MEETING**  
**SCKEDD-HOME Grant**

**APRIL 5, 2010**

The City of El Dorado has been awarded a third housing grant from the Department of Housing and Urban Development (HUD) as part of the Federal HOME Investment Partnerships Program through the Kansas Housing Resources Corporation.

The program provides grants for housing repairs for income-eligible participants. Each grant is approximately \$25,000 and will rehabilitate approximately 10 homes. The application states a 25% match is required by the federal government, to be provided by the City.

The award mandates that the City appoint an Administrator and Inspector/Risk Assessor for the properties utilizing the grant monies. Staff will be present to answer questions.

Assistant to the City Manager, Matt Rehder, gave some background information on the requirements for applying for the grant money.

In order to be approved for the Grant, there must be at least a family of four (4) that reside in the home, the property taxes must be current, the home must be insured, and the home must be out of the flood plain.

City Manager, Herb Llewellyn stated that the City budgets the 25% match each year.

**HOPE VI GRANT COMMITTEE**

The Commission discussed committee appointments at a previously held meeting. There was uncertainty regarding the appropriate makeup of the committee for the HOPE VI grant. This item has been placed on the agenda for further resolution.

Mayor, Tom McKibban presented an idea that the Commission should make the appointments to the Hope VI Grant committee, and suggested that the committee be made up of the following individuals:

- A City Commissioner
- A Main Street Board Member
- A Butler County Government Member
- Two Citizens of El Dorado

A resource committee for the selection process will include; City Clerk, Tabitha Sharp, Grant Writer, Garrett Nordstrom, Building Official, Kyle McLaren, and Main Street Director, Lindsay Baines.

**BOARD APPOINTMENTS**

The City Commission appoints members to various advisory boards. The current **Airport Advisory Board** members have declined to continue, but there are several applications. No applications have been received for the **Board of Zoning Appeals** including the current members. One application for the **Tree Board** has been received, which is a current member.

**SUGGESTED MOTION**

**AIRPORT ADVISORY BOARD – No Term Limit (3-year term)**

Commissioner Nick Badwey moved to appoint Lance Lechtenberg to the Airport Advisory Board for a term set to expire April 1, 2013.

Commissioner David Chapin seconded the motion.

Commissioner Nick Badwey moved to appoint Steve Fellers to the Tree Board for a term set to expire April 1, 2013.

Commissioner David Chapin seconded the motion.

Motion 4-0.

**NEW BUSINESS – DISCUSSION ITEMS**

Mayor, Tom McKibban opened the floor for Commissioners' comments.

Commissioner, David Chapin asked if there was an update to the Volunteer Sidewalk Program.

Assistant City Engineer, Scott Rickard stated that data is currently being collected for the Southeast part of town, and will be going out for bids. The public can still volunteer for the program by calling City Hall.

Commissioner Nick Badwey commended Prairie Trails Golf Course Superintendent, Jason Reiswig, on the condition of the Golf Course.

Commissioner Shane Krause asked how the Boyer Road project was coming along.

Assistant City Engineer, Scott Rickard stated that we are building the box culvert structure. The floor will be completed this week, and the grading work is well underway. Next week the water lines should be in place.

Mayor, Tom McKibban asked for an update on the Sales Tax Projects from last year.

City Manager, Herb Llewellyn stated the sidewalk project from 12<sup>th</sup> to Post will begin once a sewer line on North Main is repaired.

Also, the lights have been delivered for the lighting at the East Park and will be installed next week. The cost of the lighting is down to around \$100,000 from \$200,000 that was requested.

**CITY MANAGERS REPORT**

City Manager, Herb Llewellyn, announced that Tabitha Sharp has accepted the position of City Clerk.

We budgeted \$5,000.00 for the fireworks display to be split between the Friends of the Lake and the Broncos.

City Manger, Herb Llewellyn asked if the City should do one or two fireworks shows. Mayor Tom McKibban, Commissioner Nick Badwey and Commissioner Shane Krause all agreed that there should be one show and a location for the show will be decided on at a future date.

The week of April 12 – 16, 2010, will be City Clean Up week.

Chris Tuohey with Kemper Sports proposed fees for Prairie Trails. The proposed fee schedule included annual memberships, daily fees, and a new Trail Card program. Suggested membership fees include resident and non-resident rates.

Commissioner Nick Badwey moved to approve the proposed rates for Prairie Trails Golf Course.

Commissioner David Chapin seconded the motion.

Motion carried 4-0.

City Manager, Herb Llewellyn recommended the City cease operation at the American Legion in mid April. A closing golf tournament will be held on April 17<sup>th</sup> and 18<sup>th</sup>.

**EXECUTIVE SESSION**

This item is for the purpose of discussing non-elected personnel and legal issues.

Commissioner Nick Badwey moved to recess into an Executive Session for the purpose of discussing non-elected personnel and legal issues, and to reconvene the regularly scheduled meeting in the City Commission room at 8:35 p.m.

Commissioner David Chapin seconded the motion.

Motion carried 4-0.

Mayor Tom McKibban reconvened the meeting at 8:45 p.m.

Commissioner Shane Krause moved that the City enter into a six month lease to NUMANA of the Hobson building for \$1 and also that we enter into discussion for sale of the building to NUMANA.

Commissioner David Chapin seconded the motion.

Motion carried 4-0.

**SUGGESTED MOTION**

Commissioner Nick Badwey moved to adjourn the meeting at 8:50 p.m.

Commissioner David Chapin seconded the motion.

Motion carried 4-0.

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City Clerk Tabitha Sharp

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Mayor Tom McKibban

The El Dorado City Commission met in special session on March 9, 2010, at 3:30 pm in the Commission Room with the following present: Mayor Tom McKibban, Commissioner Nick Badwey, Commissioner Shane Krause, Commissioner David Chapin, City Manager Herb Llewellyn, and City Clerk Tabitha Sharp. Absent: Commissioner Linda Clark, City Attorney Jim Murfin, and Assistant City Engineer Scott Rickard.

**VISITORS**

John Bailey	4606 Cole Creek Rd	El Dorado, Kansas
Ed Gard	601 NW 30 <sup>th</sup> St.	El Dorado, Kansas
Linda Jolly	2100 Pico	El Dorado, Kansas
Vince Haines	300 N. Star	El Dorado, Kansas
Tom Murry	120 W. Central	El Dorado, Kansas
Matt Rehder	220 E. 1 <sup>st</sup>	El Dorado, Kansas
Brad Meyer	220 E. 1st	El Dorado, Kansas
Julie Clements	El Dorado Times	El Dorado, Kansas

**CALL TO ORDER**

Mayor Tom McKibban called the April 14, 2010, Special City Commission meeting to order.

**EL DORADO INC HOUSING COMMITTEE REPORT**

Vince Haines, El Dorado Inc. President, discussed the compilation of the committee and then introduced John Bailey, Co-chair of the housing committee, to present the report.

John Bailey began by stating the goals of the committee.

**GOALS**

- Facilitate a housing program that meets the needs of residential prospects (including recommending incentives to the El Dorado City Commission that will encourage new residential housing development)
- Create a recommendation for a housing rehabilitation strategy for El Dorado. The task of the committee was to identify problems and establish goals and objectives that will encourage new residential housing development.

**FOUR ISSUES WITH HOUSING DEVELOPMENT**

- The housing base in El Dorado is approximately 60 years old and in poor condition
- The number of building sites is limited
- El Dorado Lake is under utilized
- The community needs to visually reconstruct itself and improve its aesthetics

**SUGGESTIONS**

- Revitalize core area of homes because of existing streets, sewers, etc...
- Develop El Dorado Lake and State Park by adding restaurants, marinas, etc...
- Utilize the water currently being paid for but not used. This can be done by redirecting the water to water features in housing developments and parks.
- Overall image of El Dorado should be addressed
  - Encourage Frontier Refinery to upgrade their wastewater treatment system in order to reduce the odor in El Dorado.
  - More attractive entrances to the City should be created.
  - More monument signage should be encouraged to reduce elevated signage and clean up clutter along the main streets.
  - Develop an improved trafficway to the northern portion of the community to facilitate movement towards Wichita for those that work there.

- School system is under marketed and not adequately supported
- Attract more “empty nesters” and upwardly mobile young professionals by creating new subdivisions that are attractive to them.

John Bailey, Co-Chair of the Housing Committee, suggested that by raising water rates fifty cents per thousand gallons of water sold, a fund could be created to pay for some of these suggestions. The fund would be dedicated solely to these recommendations.

Commissioner Nick Badwey asked which developers the Housing Committee had worked with.

El Dorado Inc. Director Linda Jolly stated that they had worked with Ritchie and Sharp because they are the biggest competitors for the City and could help point out what is missing in El Dorado that prevents housing development and sales.

Mayor Tom McKibban stated that the City should look at some of the items they are already doing such as infill tax abatements, golf courses, work on the turnpike, etc...

John Bailey, Co-Chair of the Housing Committee, said that while this was true, the City does not take advantage of all of its’ attributes.

Linda Jolly, Director of El Dorado Inc., stated that the impression people have when they drive by El Dorado needed to be improved. The City needed to work more on marketing.

Commissioner Shane Krause inquired who will break apart the information in the report.

City Manager Herb Llewellyn stated that City Staff will pull apart the report and assign to the appropriate departments.

Commissioner David Chapin asked who prioritizes the items in the report.

City Manager Herb Llewellyn stated that the City Commission would be responsible for prioritizing each suggestion.

**KEMPER SPORTS MANAGEMENT RECOMMENDATIONS**

City Manager Herb Llewellyn stated that Kemper Sports Management would like to become more familiar with the City before providing a recommendation on golf attire at Prairie Trails. At this time, they would like to continue with the current policy of appropriate golf attire:

- Collared Shirts, or shirts made for golf
- No t-shirts or tank tops
- No Jeans, shorts or pants with frayed edges
- No metal spikes or hard soled shoes

City Manager Herb Llewellyn stated that we have received a bid for new golf carts and if approval is received the City would like to pay cash for them.

City Manager Herb Llewellyn also stated that the City would be putting up a building to store the carts.

Mayor Tom McKibban inquired about being able to use the building for other events?

City Manager Herb Llewellyn stated that using the building for outdoor events and tournaments was part of the plan.

Commissioner Nick Badwey asked what amenities the carts would include.

City Manager Herb Llewellyn stated that the carts would have windshields, coolers, and a sand holder.

Commissioner Nick Badwey moved that the City buy the carts as suggested.

Commissioner Shane Krause seconded the motion.

Motion carried 5-0.

**ADJOURNMENT**

Commissioner Shane Krause moved the meeting adjourned at 6:14 pm.

Commissioner David Chapin seconded the motion.

Motion Carried 4-0.

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City Clerk Tabitha Sharp

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Mayor Tom McKibban



**EL DORADO CITY COMMISSION MEETING**

**APRIL 19, 2010**

The El Dorado City Commission met in regular session on April 19, 2010 at 7:00 pm in the Commission Room with the following present: Commissioner Linda Clark, Commissioner Nick Badwey, Vice Mayor David Chapin, Commissioner Shane Krause, City Manager Herb Llewellyn, Assistant City Engineer Scott Rickard, City Attorney James Murfin and City Clerk Tabitha Sharp. Absent – Mayor Tom McKibban.

**VISITORS**

Phil Wickwire	341 Village Road	El Dorado, Ks
Roger Cutsinger	712 W. 14 <sup>th</sup>	El Dorado, Ks
Larry Scott	225 N. Residence	El Dorado, Ks
Richard Kraybill	230 Laura	Wichita, Ks
Matt Conard	3952 N. Litchfield	Wichita, Ks
Ken Nakaten	El Dorado Fire Dept	El Dorado, Ks
Brad Meyer	220 E. 1 <sup>st</sup> Ave	El Dorado, Ks
Ed Arnold	Butler County Com. College	El Dorado, Ks
Lindsay Baines	1516 W. 3 <sup>rd</sup>	El Dorado, Ks
Kurt Bookout	220 E. 1 <sup>st</sup> Ave	El Dorado, Ks
Steve Fellers	2034 Chelsea Drive	El Dorado, Ks
Linda Jolly	2100 Pico Court	El Dorado, Ks
Julie Clements	El Dorado Times	El Dorado, Ks

**CALL TO ORDER**

Vice Mayor, David Chapin called the April 19, 2010, City Commission meeting to order.

**INVOCATION**

The Reverend Samuel McVay, New Life Equipping Ministry opened the meeting with prayer.

**PLEDGE OF ALLEGIANCE**

Commissioner Nick Badwey led the Pledge of Allegiance.

**PERSONAL APPEARANCE**

No one appeared before the commission.

**PROCLAMATION**

Vice Mayor, David Chapin read the proclamation proclaiming the City of El Dorado partners in El Dorado Elks Lodge National Youth Week, the first week of May 2010.

**PUBLIC COMMENTS**

Vice Mayor David Chapin opened the floor for public comments.

There were no public comments.

**CONSENT AGENDA**

- a) Approval of the April 5, 2010, City Commission minutes.
- b) Approval of the April 14, 2010, Special City Commission minutes.

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

Commissioner Nick Badwey seconded the motion.

Motion carried 4-0.

**AUXILIARY FIRE STATION**

City Manager, Herb Llewellyn invited Richard Kraybill to discuss several design options for the new Fire House.

Fire Chief, Ken Nakaten stated no formal agreement has been reached with the architects at this time. Richard Kraybill was the lead architect on several safety institutions in Butler and Sedgwick Counties.

Richard Kraybill presented several different types of Fire Houses and costs. Costs are estimated during several points of the construction process in order to keep them under control. Today’s cost standards (estimate) are about \$110.00/square foot.

Fire Chief, Ken Nakaten stated that space needs were estimated at 7,500 square feet just for the building and up to 9, 5000 square feet for a five-bunk dorm room and classrooms. The City currently budgeted and approved \$100.00/square foot.

City Manager, Herb Llewellyn stated that he and Butler County Community College are going forward with discussions on how the College will pay for their portion.

**VALMONT TAX ABATEMENT-PUBLIC HEARING**

Per our agreement with Valmont Industries, a tax exemption application for real and personal property was approved by the City Commission and submitted to the Kansas Court of Tax Appeals for approval. The Kansas Court of Tax Appeals has requested additional information and did not acknowledge that proper notification had been made. The notice of public hearing has been republished indicating the new hearing date. All taxing entities have been re-notified.

Vice-Mayor David Chapin opened the public hearing for comments.

Commissioner Linda Clark moved that Ordinance No. S-1311, an ordinance exempting certain real and personal property from ad valorem taxation for economic development purposes, be approved.

Commissioner Shane Krause seconded the motion

**Roll Call**

Position No. 4	Commissioner David Chapin	Yes
	Mayor Tom McKibban	Absent
Position No. 1	Commissioner Shane Krause	Yes
Position No. 2	Commissioner Linda Clark	Yes
Position No. 3	Commissioner Nick Badwey	Yes

**HOPE VI GRANT COMMITTEE**

The City Commission requested citizens to apply to serve on the HOPE VI Grant committee to oversee the applications for grant funds. This committee will consist of one City Commissioner, one Main Street representative and two citizens at-large. Three applications have been received for the citizen at-large positions, and Main Street has submitted their member application.

Commissioner Linda Clark moved to appoint Shane Krause as the City Commission's representative, Jack Cauble as the Main Street Board representative, and Larry Gaston and Ben Coffey as the citizen at-large positions to the HOPE VI Grant committee.

Commissioner Nick Badwey seconded the motion.

Motion carried 4-0.

**BRADFORD MEMORIAL LIBRARY – BONDING AMENDMENT**

For the past several years, Glenda Taylor has written a check to the City for \$100.00 to pay for the 'required' Treasurer's bond. The City Manager reviewed the statutes and determined that the appropriate bond amount is \$0.00. The City Manager recommended to the Library Board that they recommend this to the City Commission.

Commissioner Nick Badwey moved to approve the Bradford Memorial Library's recommendation for no bonding requirement for the Treasurer of the Board of Directors.

Commissioner Linda Clark seconded the motion.

Motion carried 4-0.

**APPOINTMENT OF VICE MAYOR**

Our City Commission form of government calls for the Commission to appoint a Vice-Mayor to serve for the Mayor in his/her absence. This position is a one-year term. Previous Vice-Mayors were David Chapin (2009 – 2010), Steve Reynolds (2008-2009), and Linda Clark (2007 – 2008).

Commissioner Linda Clark moved to appoint Commissioner David Chapin as Vice-Mayor for a one-year term.

Commissioner Shane Krause seconded the motion.

Motion carried 4-0.

**BOARD APPOINTMENTS**

At the April 5<sup>th</sup> City Commission meeting, one member each was appointed to the Airport Advisory Board and Tree Board. The **Airport Advisory Board** still needs one member appointed, and there are 8 applications. No applications have been received for the **Board of Zoning Appeals** including the current members. The **Tree Board** still needs one member appointed and has 2 applicants at this time (1 being the current member). These boards have memberships that expired April 1. Staff has attached a memo outlining these boards.

The following boards have memberships expiring on May 1.

The **Convention and Tourism Committee** has 5 openings and 2 current member applicants. This committee is ruled by City of El Dorado's Charter Ordinance No. 14, which states this board must include 4 members of the local hotel/motel industry.

The **Library Board** has two openings. Both current members have reapplied and there are 2 new applicants. The **Planning Commission** has 4 openings and no applicants. The **Recycling and Solid Waste Advisory Committee** has 3 openings and no applicants.

**SUGGESTED MOTION**

**AIRPORT ADVISORY BOARD – No Term Limit (3-year term)**

Commissioner Nick Badwey moved to appoint Stan Marshall to the Airport Advisory Board for a term set to expire April 1, 2013.

Commissioner Linda Clark seconded the motion.

Motion carried 4-0.

TREE BOARD – No Term Limit (3-year term)

Commissioner Linda Clark moved to appoint Katie Stucky to the Tree Board for a term set to expire April 1, 2013.

Commissioner Shane Krause seconded the motion.

Motion carried 4-0.

CONVENTION & TOURISM COMMITTEE – No Term Limit (2-year term)

Commissioner Linda Clark moved to appoint Teresa Bauchman, Randy Just, Jean Plummer and Ruth Watkins to the Convention & Tourism Committee for a term set to expire May 1, 2012.

Commissioner Nick Badwey seconded the motion.

Motion carried 4-0.

LIBRARY BOARD – 2 Consecutive Terms Limit (4-year term)

Commissioner Linda Clark moved to appoint Glenda Taylor, and Emma Miller to the Library Board for a term set to expire May 1, 2014.

Commissioner Shane Krause seconded the motion.

Motion carried 4-0.

**NEW BUSINESS – DISCUSSION ITEMS**

Commissioner Shane Krause congratulated the One Shot Turkey Committee for their success and the economic good it brought to the City.

Commissioner Shane Krause stated that we have received recommendations from the El Dorado Inc. Housing Committee, and has asked staff to begin looking into these recommendations.

City Manager Herb Llewellyn stated that he has received recommendations from Kemper Sports in regards to Prairie Trails.

Kemper has recommended that we purchase new golf carts, as the current ones are nine to twelve years old. New carts should be available the end of April first part of May. Kemper has also made the recommendation that we keep the current dress code until they become more familiar with the community. Golfers must wear a collared shirt, or shirt made for golf. Jeans and shorts must not have frayed edges. Shoes should not be hard soled or have metal spikes.

Commissioner Shane Krause asked if taxes would be increased now or in the future to pay for operations at Prairie Trails, including but not limited to the purchase of the new golf carts.

City Manager Herb Llewellyn stated that taxes have not been raised and it is the intent of the Commission to not raise taxes to fund Prairie Trails operations.

Commissioner Shane Krause asked the status of the facility contract with NUMANA. The Commission saw an opportunity to help a good organization and sold the building for \$1.00 to NUMANA.

City Manager Herb Llewellyn stated that they were currently working on the contract and the City has the option to buy back the building should NUMANA vacate. He also stated that due to the actions of our Commission, an article was published in the USA Today news paper under *Across the USA*.

Commissioner Linda Clark stated she has heard from the Board of Directors of NUMANA and they are very appreciative of the Commission's actions.

Commissioner Nick Badwey asked Assistant City Engineer Scott Rickard how the construction was progressing on Boyer Road.

Assistant City Engineer Scott Rickard stated that on Wednesday, April 21<sup>st</sup> they will shut down Boyer Rd. up to Metcalf. He also stated that the sewage structure is moving along well.

Vice Mayor David Chapin asked if the City is responsible for mowing the American Legion property.

City Manager Herb Llewellyn stated that the City is responsible. The Legion will be treated as a park, and the cart paths are to be used as sidewalks.

**CITY MANAGERS REPORT**

City Manager Herb Llewellyn updated the commission on the Stadium Project. If the commission is still interested in doing the infrastructure, streets, sidewalks he would provide the estimates. The commission will need to decide how many hardened surfaces (parking lots) will be provided. City Manager Herb Llewellyn stated that Bermuda grass could be planted, and that area would be used for parking and practice fields.

**EXECUTIVE SESSION**

This item is for the purpose of discussing non-elected personnel and legal issues.

Commissioner Linda Clark moved to recess into an Executive Session for the purpose of discussing non-elected personnel and legal issues, and to reconvene the regularly scheduled meeting in the City Commission room at 8:50 p.m.

Commissioner Nick Badwey seconded the motion.

Motion carried 4-0.

Mayor Tom McKibban arrived for the Executive Session.

Mayor Tom McKibban reconvened the meeting at 9:00 p.m.

**SUGGESTED MOTION**

Commissioner Linda Clark moved to adjourn the meeting at 9:00 p.m.

Commissioner David Chapin seconded the motion.

Motion carried 5-0.

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City Clerk Tabitha Sharp

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Mayor Tom McKibban

**EL DORADO CITY COMMISSION MEETING**

**May 3, 2010**

The El Dorado City Commission met in regular session on May 3, 2010 at 7:00 pm in the Commission Room with the following present: Commissioner Linda Clark, Commissioner Nick Badwey, Mayor Tom McKibban, Commissioner Shane Krause, City Manager Herb Llewellyn, Assistant City Engineer Scott Rickard, City Attorney James Murfin and City Clerk Tabitha Sharp. Absent – Commissioner David Chapin.

**VISITORS**

Jan Rice	2365 W. Central	El Dorado, Ks
William Kloeblen	1770 Country Club #2	El Dorado, Ks
Kristi Jacobs	1275 S. Topeka	El Dorado, Ks
Sheri Crawford	1820 Megan Circle	El Dorado, Ks
Maria Simmons	518 Houser Dr	El Dorado, Ks
Brett A Perry	1509 SW Hwy 77	El Dorado, Ks
Robert Simmons	518 Houser Drive	El Dorado, Ks
Neil Boyce	1921 Belmont	El Dorado, Ks
Daryn Martin	719 S. Star	El Dorado, Ks
Jim Pierce	1730 Ryan Ct	El Dorado, Ks
Kurt Bookout	2520 Kacy Ct	El Dorado, Ks
Mick & Teri Jimenez	1019 S. Denver	El Dorado, Ks
Brad Meyer	220 E. 1 <sup>st</sup> Ave	El Dorado, Ks
Randy Wells	Post Road	El Dorado, Ks

**CALL TO ORDER**

Mayor, Tom McKibban called the May3, 2010, City Commission meeting to order.

**INVOCATION**

The Reverend Stan Seymour, First Christian Church opened the meeting with prayer.

**PLEDGE OF ALLEGIANCE**

Grandview Third Grade Students led the Pledge of Allegiance.

**PERSONAL APPEARANCE**

**Bradford Memorial Library**

Bill Kloeblen, Library Board Chair and Kristi Jacobs, Interim Library Director presented an overview of the Library. There has been an increase in Library patrons, youth programs, and a new computer room was opened in early 2010.

With the resignation of the Library Director in March 2010, the board is actively looking for a new Director and is considering current staff.

**Water Treatment Plant Commendation**

City Manager, Herb Llewellyn stated that the State of Kansas sent a letter to the City of El Dorado on commending our staff on how well they are operating the plant.

Director of Public Utilities, Kurt Bookout introduced his staff at the Water Treatment Plant:

- Brett Perry, Superintendent
- Jim Pierce
- Bob Simmons
- Neil Boyce
- Darren Martin

**Governor’s Golf & Fishing Classic**

Kansas Representative, John Grange was unable to attend the Commission meeting. He forwarded an email to the City Manager to update the commission on the status of the 14<sup>th</sup> annual (El Dorado's first) Governor's Golf & Fishing Classic.

The event will be held on Friday, May 14, 2010 at Prairie Trails Golf and Restaurant. PGA Pro Woody Austin from Derby will be providing a clinic and playing in the tournament.

Saturday, May 15, 2010 there will be a fishing tournament.

**South Central Mental Health Counseling Center**

Executive Director, Dan Rice stated that within the last five (5) years they have outgrown their current location and have moved Administrative Offices and three (3) programs. They are in need of a larger location, and feel the Food4Less building in downtown would be a suitable location as it has 32,000 square feet. They are currently negotiating with the current owner of the building to purchase the location from him.

The Center will need recommendation letters to apply for a CBGB Grant in October. They will begin a Capital Campaign in the fall of 2010 and hope to begin construction in early 2011.

**PROCLAMATION**

Mayor, Tom McKibban read the proclamation proclaiming the City of El Dorado partners in Motorcycle Awareness for the month of May 2010.

**PUBLIC COMMENTS**

Mayor Tom McKibban opened the floor for public comments.

There were no public comments.

**CONSENT AGENDA**

- a) Consider approval of the April 19, 2010, City Commission minutes.
- b) Consider approval of the Appropriation Ordinance No. 04-10 in the amount of \$1,239,609.78.
- c) Consider the Engineer's Seventh Pay Estimate dated April 19, 2010 on Project No. 317, Water System Improvements-NW Pressure Zone to the Contractor, Nowak Construction, in the amount of \$74,640.00.

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

Commissioner Shane Krause seconded the motion.

Motion carried 4-0.

**SALES TAX ADVISORY COMMITTEE RECOMMENDATION**

The Chairperson of the Sales Tax Advisory Committee will appear before the City Commission to submit the Committee's recommendations on the uncommitted sales tax.

Randy Wells, Sales Tax Advisory Committee Chair presented to the commission the Sales Tax Advisory Committee's 2011 budget. They are asking that \$50,000.00 be allocated to the Main Street Sidewalk from Post Road to McCollum.



**EL DORADO CITY COMMISSION MEETING**

**May 3, 2010**

\$184,500.00 will be allocated to complete the lake softball complex. This money will complete the two remaining ball fields along with lights and bleachers.

The committee recommends \$11,500.00 be allocated to the City of El Dorado for implementation of a K-9 program.

An additional property tax reduction of approximately 3.49 mills was also suggested.

Commissioner Linda Clark moved to accept for consideration the Sales Tax Advisory Committee’s recommendations on the use of uncommitted sales tax for 2010.

Commissioner Shane Krause seconded the motion

Motion carried 4-0

**PROJECT NOS. 350-PAVING PARK (ARTHUR TO DOUGLAS), 351-PAVING SKELLY (FINNEY TO TOWANDA), 353-PAVING ATCHINSON (CARR TO TOWANDA)**

Bids were received and the low bids were below the Engineer’s Estimates.

Assistant City Engineer, Scott Rickard presented to the commission bids that were received, and were below Engineer’s estimates:

**Bids for Project No. 350-Paving Park (Arthur to Douglas) & Project No. 351-Paving Skelly (Finney to Towanda)**

	<u>Total Combined Bids</u>
Engineer’s Estimate-	\$266,192.04
Cornejo & Sons-	\$228,416.96 (low bid)
LaFarge North America-	\$238,954.71
APAC-Kansas-	\$246,808.36

**Bids for Project No. 353-Paving Atchison (Carr to Towanda)**

	<u>Total Project Bids</u>
Engineer’s Estimate-	\$109,736.87
Cornejo & Sons-	\$ 93,090.18 (low bid)
Lafarge North America-	\$101,435.03
APAC-Kansas-	\$104,013.89

**MOTION 1**

Awarding the Contract

Commissioner Shane Krause moved that as Cornejo & Sons has submitted the lowest and best bid for project nos. 350 paving Park (Arthur to Douglas) & 351 Paving Skelly (Finney to Towanda), and since their combined bid of \$228,416.96 was under the Engineer’s estimate, the City Manager be directed to award the contract to said contractor providing that the company furnish the proper bonds.

Commissioner Nick Badwey seconded the motion.

Motion carried 4-0.

**AND**

**MOTION 2**

Awarding the Contract

Commissioner Shane Krause moved that as Cornejo & Sons has submitted the lowest and best bid for project no. 353-paving Atchison (Carr to Towanda), and since their

**EL DORADO CITY COMMISSION MEETING**

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bid of \$93,090.18 was under the Engineer’s Estimate, the City Manager be directed to award the contract to said contractor providing that the company furnish the proper bonds.

Commissioner Nick Badwey seconded the motion.

Motion carried 4-0.

**BOARD APPOINTMENTS**

Both current board members have re-applied to serve on the **Board of Zoning Appeals**. This board’s memberships expired April 1.

The following boards have memberships expiring on May 1. The **Convention and Tourism Committee** has 1 opening. This committee is ruled by City of El Dorado’s Charter Ordinance No. 14, which states this board must include 4 members of the local hotel/motel industry. At the previous Commission meeting, an extra applicant was appointed; unfortunately, this does not leave enough openings for the required number of hotel/motel owner members. This board currently has 2 required members and needs 2 more. Recruitment is on-going. If the City Commission chooses, the number of board members appointed to this committee can be expanded.

The **Planning Commission** has 4 openings and no applicants. The **Recycling and Solid Waste Advisory Committee** has 3 openings and no applicants.

The Board of Appeals/Code Review has had a member resign. The Commission appoints individual members to this board; Commissioner Badwey needs to appoint a new representative.

**SUGGESTED MOTION**

**BOARD OF ZONING APPEALS – Two Consecutive (3-year term)**

Commissioner Shane Krause moved to appoint Jim Phillips and Jim Miller to the Board of Zoning Appeals for a term set to expire April 1, 2013.

Commissioner Linda Clark seconded the motion.

**PLANNING COMMISSION – No Term Limit (3-year term)**

Commissioner Linda Clark moved to appoint David Stewart to the Planning Commission for a term set to expire May 1, 2013.

Commissioner Nick Badwey seconded the motion.

**BOARD OF APPEALS/CODE REVIEW – 2 Consecutive (3 –year term)**

Commissioner Nick Badwey moved to appoint Eddie Dean Jr. to the Board of Appeals/Code Review for a term set to expire May 1, 2013.

Commissioner Shane Krause seconded the motion.

Motion carried 4-0.

**NEW BUSINESS – DISCUSSION ITEMS**

Commissioner Nick Badwey inquired about the progress of the trash cart program.

Assistant Public Works Director Brad Meyer stated that they are not ticketing many carts, as the citizens can place the carts anywhere but by mailboxes.

Commissioner Shane Krause stated that Friends of the Library sloppy joe dinner and the fundraiser at the dog park were both successful events.

**CITY MANAGERS REPORT**

City Manager Herb Llewellyn stated that there has been a reciprocal agreement with Kemper Sports (Sand Creek Golf Course in Newton). Currently it is \$15.00 if you are a Prairie Trails member.

The City is currently waiting on a 3<sup>rd</sup> estimate for the new golf carts.

Herb has stated the Legion Members have petitioned to be grandfathered in as resident members of Prairie Trails.

Commissioner Shane Krause stated that he can appreciate the situation, but he cannot see giving Legion members discounts when others that live outside the City limits do not get the residential discount.

City Manager Herb Llewellyn said that with Commission's approval he would contact other cities in Butler County and the county government to see if they would like to partner in order to offer in-city rates for Butler County Residents.

**EXECUTIVE SESSION**

This item is for the purpose of discussing non-elected personnel and legal issues.

Commissioner Linda Clark moved to recess into an Executive Session for the purpose of discussing non-elected personnel and legal issues, and to reconvene the regularly scheduled meeting in the City Commission room at 8:45 p.m.

Commissioner Shane Krause seconded the motion.

Motion carried 4-0.

Mayor Tom McKibban reconvened the meeting at 8:47 p.m.

**SUGGESTED MOTION**

Commissioner Nick Badwey moved to adjourn the meeting at 8:49 p.m.

Commissioner Linda Clark seconded the motion.

Motion carried 4-0.

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City Clerk Tabitha Sharp

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Mayor Tom McKibban

**EL DORADO SPECIAL CITY COMMISSION MEETING**

**May 12, 2010**

The El Dorado City Commission met in special session on May 12, 2009, at 4:00 p.m. in the Commission Room with the following present: Mayor Tom McKibban, Commissioner Linda Clark, Commissioner Nick Badwey, Commissioner Shane Krause, Commissioner David Chapin, City Manager Herb Llewellyn, Assistant City Engineer Scott Rickard, City Finance Director Dee Anne Grunder, and City Clerk Tabitha Sharp. Absent: City Attorney Jim Murfin.

**VISITORS**

Julie Clements	El Dorado Times	El Dorado, Kansas
Cindy Van Pay	225 N. Arthur	El Dorado, Kansas
Barbara Trent	316 Broadview	El Dorado, Kansas
Raygon Gomez	2 East Court	El Dorado, Kansas
Ken Nakaten	220 E. 1st	El Dorado, Kansas
John Scanlon	220 E. 1st	El Dorado, Kansas
Tammy Schaffer	220 E. 1st	El Dorado, Kansas
Tom Boren	220 E. 1 <sup>st</sup>	El Dorado, Kansas
Kurt Bookout	220 E. 1 <sup>st</sup>	El Dorado, Kansas
Jared Cobb	220 E. 1 <sup>st</sup>	El Dorado, Kansas

**CALL TO ORDER**

Mayor Tom McKibban called the May 12, 2010 Special City Commission meeting to order.

**PROCLAMATION**

Mayor Tom McKibban read a proclamation to declare May Poppy Month and presented a signed copy to Cindy Van Pay and Barbara Trent.

**VALMONT INDUSTRIES TAX EXEMPTION - PUBLIC HEARING**

On April 19, 2010, the City Commission approved a personal property tax exemption application for Valmont Industries. Per the preliminary order received from the State Board of Tax Appeals, Ordinance No. S-1311 contained a typographical error. Therefore, the City Commission now needs to pass an amending ordinance to be in compliance with K.S.A. 79-251.

Mayor Tom McKibban opened the public hearing for comments.

Commissioner Nick Badwey moved that Ordinance No. S-1312, an ordinance amending Ordinance No. S-1311 to correct information regarding the tax exemption for Valmont Industries, be approved.

Commissioner Shane Krause seconded the motion.

**Roll Call**

Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner David Chapin	Yes
	Mayor Tom McKibban	Yes
Position No. 1	Commissioner Shane Krause	Yes
Position No. 2	Commissioner Linda Clark	Yes

**BUDGET/CIP DISCUSSION WITH DEPARTMENT HEADS**

Assistant City Engineer Scott Rickard, Public Utilities Director Kurt Bookout, Parks and Recreation Director John Scanlon, Fire Chief Ken Nakaten, and Chief of Police

**EL DORADO SPECIAL CITY COMMISSION MEETING**

**May 12, 2010**

Tom Boren presented their 2011 Budgets and their 2011 – 2016 Capital Improvement Plan items. City Manager Herb Llewellyn and Finance Director DeeAnne Grunder presented for Assistant Director of Public Works Brad Meyer who was attending a Public Works conference.

**ADJOURNMENT**

Commissioner Linda Clark moved the meeting adjourned at 6:02 p.m.

Commissioner David Chapin seconded the motion.

Motion Carried 5-0.

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City Clerk Tabitha Sharp

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Mayor Tom McKibban

**EL DORADO CITY COMMISSION MEETING**

**May 17, 2010**

The El Dorado City Commission met in regular session on May 3, 2010 at 7:00 pm in the Commission Room with the following present: Commissioner Linda Clark, Commissioner Nick Badwey, Mayor Tom McKibban, Commissioner Shane Krause, Commissioner David Chapin, City Manager Herb Llewellyn, Assistant City Engineer Scott Rickard, City Attorney James Murfin and City Clerk Tabitha Sharp.

**VISITORS**

Mike McGuire	502 S. Denver	El Dorado, Ks
Brad Meyer	220 E. 1 <sup>st</sup> Ave	El Dorado, Ks
Kurt Bookout	220 E. 1 <sup>st</sup> Ave	El Dorado, Ks
Mike Lemke	Mission El Dorado, Inc.	El Dorado, Ks
Kendra Wilkinson	1016 S. Denver	El Dorado, Ks
Jared Cobb	220 E. 1 <sup>st</sup> Ave	El Dorado, Ks
Chyla Pugh	331 Ohio Street	El Dorado, Ks
Cindy Pugh	331 Ohio Street	El Dorado, Ks
Jim Gardner	930 Fairway Ct	El Dorado, Ks
Alex Pennington	2320 Gentry Lane	El Dorado, Ks
Davion Burns	2320 Gentry Lane	El Dorado, Ks
Katie Goebel	2125 Pico Court	El Dorado, Ks
Taylor Briscoe	705 Maplewood Dr	El Dorado, Ks

**CALL TO ORDER**

Mayor Tom McKibban called the May 17, 2010, City Commission meeting to order.

**INVOCATION**

The Reverend Mike McGuire, First United Methodist Church opened the meeting with prayer.

**PLEDGE OF ALLEGIANCE**

The El Dorado Youth Commission led the Pledge of Allegiance.

**PERSONAL APPEARANCE**

**Mission El Dorado**

President Mike Lemke, Mission El Dorado, Inc., asked that all permit fees be waived during the week of June 5 through June 12, 2010, as they provide services to the citizens of El Dorado in the up-keep of their real property.

**Bike to Work Week**

Mayor Tom McKibban read the proclamation proclaiming the City of El Dorado partners in the Bike to Work Week, May 17 through May 21, 2010.

**PUBLIC COMMENTS**

Mayor Tom McKibban opened the floor for public comments.

There were no public comments.

**CONSENT AGENDA**

- a) Consider approval of the May 3, 2010, City Commission minutes.
- b) Consider approval of the May 12, 2010, Special Commission minutes.

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

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

**YOUTH COMMISSION ANNUAL REPORT**

The Youth Commission was initiated in May 2002 and has completed its eighth year. Chyla Pugh, member of the Youth Commission, will present a report to the City Commission on the Youth Commission’s activities of the past year.

Chyla Pugh, member of the Youth Commission, listed activities involving the Youth Commission; Prairie Port Flea Market, Game Booth at the Walnut River Fest, Trick or Treat Down the Street, Santa Claus at Christmas, Tour of the Waste Water Facility. Chyla also submitted to the Commission a draft of the Fireworks Flyer.

The Youth Commission also created a web page, [ww.eldoradoyouths.ipbfree.com](http://ww.eldoradoyouths.ipbfree.com). Alex Pennington and Davion Bowens presented the web page to the Commission. Alex Pennington stated that posts to the web site can be either anonymous or accounted for and that the web site is ready for full release.

Commissioner Linda Clark was very impressed with the web page and offered a suggestion to change the color scheme.

**SET A HEARING DATE FOR PROJECT NO. 306-LANDSCAPE WALL-THE OAKS ADDITION**

Project No. 306 is complete. The City Commission must set a hearing date to spread the costs to the properties involved.

Project No. 306 – Landscape Wall-The Oaks Addition

Preliminary Estimate	\$61,030.40
Final Cost	\$39,837.93
Improvement District Cost	\$39,837.93
City at Large Cost	\$ 0.00

Commissioner Linda Clark moved to set the public hearing for 7:00 p.m. on June 7, 2010, to be held for the purpose of considering the proposed assessments of the cost of Project No. 306, and further direct individual mailings to each owner liable for the special assessments.

Commissioner Nick Badwey seconded the motion.

Motion carried 5-0.

**SET A HEARING DATE FOR PROJECT NO. 316-SANITARY SEWER-COLLEGE ACRES**

Project No. 316 is complete. The City Commission must set a hearing date to spread the costs to the properties involved.

<u>Project No. 316 – Sanitary Sewer-College Acres</u>	
Preliminary Estimate	\$75,904.00
Final Cost	\$69,637.50
Improvement District Cost	\$69,637.50
City at Large Cost	\$ 0.00

Commissioner Nick Badwey moved that Resolution No. 2655, a resolution amending and supplementing Resolution No. 2618 which determined the advisability of the making of certain internal improvements in El Dorado, Kansas (Sanitary Sewer Improvements/Project No. 316), be approved.

Commissioner Linda Clark seconded the motion.

**AND**

Commissioner Nick Badwey moved to set the public hearing for 7:00 p.m. on June 7, 2010, to be held for the purpose of considering the proposed assessments of the cost of Project No. 316, and further direct individual mailings to each owner liable for the special assessments.

Commissioner Shane Krause seconded the motion.

Motion carried 5-0.

**SET A HEARING DATE FOR PROJECT NO. 323-LANDSCAPE WALL-1910 NORTH MAIN**

Project No. 323 is complete. The City Commission must set a hearing date to spread the costs to the properties involved.

<u>Project No. 323 – Landscape Wall-1910 N Main</u>	
Preliminary Estimate	\$8,613.12
Final Cost	\$8,409.22
Improvement District Cost	\$8,409.22
City at Large Cost	\$ 0.00

Commissioner Linda Clark moved to set the public hearing for 7:00 p.m. on June 7, 2010, to be held for the purpose of considering the proposed assessments of the cost of Project No. 323, and further direct individual mailings to each owner liable for the special assessments.

Commissioner David Chapin seconded the motion.

Motion carried 5-0.

**SET A HEARING DATE FOR PORJECT NO.325-SANITARY SEWER-LOT 3 BUSINESS PARK**

Project No. 325 is complete. The City Commission must set a hearing date to spread the costs to the properties involved.

<u>Project No. 325 – Sanitary Sewer-Lot 3 Blk 3 Business Park</u>	
Preliminary Estimate	\$36,230.90
Final Cost	\$ 8,570.25
Improvement District Cost	\$ 8,570.25
City at Large Cost	\$ 0.00

Commissioner Shane Krause moved to set the public hearing for 7:00 p.m. on June 7, 2010, to be held for the purpose of considering the proposed assessments of the cost of Project No. 325, and further direct individual mailings to each owner liable for the special assessments.



Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

**SET A HEARING DATE FOR PORJECT NO. 327-PAVING WALNUT VALLEY DRIVE**

Project No. 327 is complete. The City Commission must set a hearing date to spread the costs to the properties involved.

Project No. 327 – Paving Walnut Valley Dr

Preliminary Estimate	\$62,380.40
Final Cost	\$41,544.94
Improvement District Cost	\$33,651.40
City at Large Cost	\$ 7,893.54

Assistant City Engineer, Scott Rickard stated that the cost to the City is in regards to the extension (widening of road) of existing road in the business park to reach Flint Hills Services.

Commissioner Shane Krause moved to set the public hearing for 7:00 p.m. on June 7, 2010, to be held for the purpose of considering the proposed assessments of the cost of Project No. 327, and further direct individual mailings to each owner liable for the special assessments.

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

**SET A HEARING DATE FOR PROJECT NO. 334-2009 RESIDENTIAL SIDEWALK PROGRAM**

Project No. 334 is complete. The City Commission must set a hearing date to spread the costs to the properties involved.

Project No. 334 – 2009 Residential Sidewalk Program

Preliminary Estimate	\$40,438.03
Final Cost	\$29,873.69
Improvement District Cost	\$24,153.83
City at Large Cost	\$ 5,719.86

Assistant City Engineer, Scott Rickard state that the cost to the City was due to the property owners asking for improved sidewalks.

Commissioner Linda Clark moved to set the public hearing for 7:00 p.m. on June 7, 2010, to be held for the purpose of considering the proposed assessments of the cost of Project No. 334, and further direct individual mailings to each owner liable for the special assessments.

Commissioner David Chapin seconded the motion.

Motion carried 5-0.

**SET A HEARING DATE FOR PROJECT NO. 335-EXTEND SEWER MAIN 600 BLOCK SOUTH TOPEKA**

Project No. 335 is complete. The City Commission must set a hearing date to spread the costs to the properties involved.

Project No. 335 – Extend Sewer Main 600 blk S Topeka

**EL DORADO CITY COMMISSION MEETING**

**May 17, 2010**

Preliminary Estimate	\$16,252.80
Final Cost	\$10,941.32
Improvement District Cost	\$ 2,188.26
Public Utilities Cost	\$ 8,753.06

Commissioner Nick Badwey moved to set the public hearing for 7:00 p.m. on June 7, 2010, to be held for the purpose of considering the proposed assessments of the cost of Project No. 335, and further direct individual mailings to each owner liable for the special assessments.

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

**WATER RATE COMPARISON – DISCUSSION**

One of the recommendations of El Dorado Inc’s Housing report was to increase water rates by \$0.50 per 1,000 gallons. Kurt Bookout, Director of Public Utilities, will present a comparison of water rates in the Wichita regional area. An understanding of the rate structures is necessary to market water to other communities, and to insure we retain existing outside-city customers.

Kurt presented to the Commission water rates for the City of Wichita, City of Goddard and City of Haysville, Kansas.

The base rate for the water service will not change; the only change will be on the amount of water that is used on a monthly basis.

City Manager, Herb Llewellyn stated that Kansas Governor Hayden was in Wichita and spoke with Wichita’s Mayor Carl Brewer. Governor Hayden told Herb that someone from either Mayor Brewer’s office or the Kansas Water Association would be contacting us regarding water in Wichita and El Dorado. At this time, Herb is not positive what the meeting will entail.

**EDUCATIONAL FACILITIES AUTHORITY OF BUTLER COUNTY**

This proposed multi-jurisdictional organization is the recommended course of action that will define a process for the continued development of cooperative ventures between the City of El Dorado, U.S.D. #490 and Butler Community College.

Mayor, Tom McKibban asked if the next step would be to work on the football stadium and asked if the other entities have approved this contract.

City Manager, Herb Llewellyn, said that the discussion has been that the stadium should have an independent owner of any one organization, and that the group would manage. He also stated that this item is on both organizations’ agendas in the next thirty (30) days.

Commissioner Linda Clark moved to approve the contract between U.S.D. #490, Butler County Community College and the City of El Dorado, and authorize the City Manager to sign the contract.

Commissioner Nick Badwey seconded the motion.

Motion carried 5-0.

**AND**

**EL DORADO CITY COMMISSION MEETING**

**May 17, 2010**

Commissioner Linda Clark moved to recommend Mayor Tom McKibban and Commissioner Shane Krause as representatives to the board.

Commissioner Nick Badwey seconded the motion.

Motion carried 5-0.

**BOARD APPOINTMENTS**

The **Convention and Tourism Committee** has 1 opening, and no applicants. The **Planning Commission** has 3 openings and two current applicants. The **Recycling and Solid Waste Advisory Committee** has 3 openings and no applicants.

**PLANNING COMMISSION – No Term Limit (3-year term)**

Commissioner Linda Clark moved to appoint Tim Engels and Van Pooler, to the Planning Commission for a term set to expire May 1, 2013.

Commissioner Shane Krause seconded the motion.

Motion carried 5-0.

**NEW BUSINESS – DISCUSSION ITEMS**

Commissioner David Chapin extended a thank you to Jim Gardner and the Youth Commission for their hard work.

Commissioner Nick Badwey wanted to thank the Utility Department for fixing water in his yard.

Commissioner Linda Clark asked Assistant City Engineer Scott Rickard where we are at on the sidewalk at Gordy and Star.

Scott Rickard, Assistant City Engineer, stated that this will be part of the summer sidewalk program and that he will bring the project to the Commission within the next few meetings.

Commissioner Shane Krause wanted to say thanks to everyone that was involved in the Governor’s Fishing and Golf Classic.

Mayor Tom McKibban complimented the Prairie Trails staff for their work during the Classic.

**CITY MANAGERS REPORT**

City Manager, Herb Llewellyn stated that there was an opinion piece in the Wichita Eagle on Thursday, May 13, 2010 from the Kansas Chamber of Commerce. He stated that the piece vilified the government, that there was no value to membership, and by continually cutting revenue to governments by reducing taxes they are forcing the cities into raising property taxes.

City Manager Herb Llewellyn stated that with the support of the commission he would like to discontinue the City’s membership.

Commissioners Linda Clark and Nick Badwey agreed not to renew the Kansas Chamber of Commerce membership.

**SUGGESTED MOTION**

Commissioner Nick Badwey moved to adjourn the meeting at 8:23 p.m.

Commissioner Linda Clark seconded the motion.

**EL DORADO CITY COMMISSION MEETING**

**May 17, 2010**

Motion carried 5-0.

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City Clerk Tabitha Sharp

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Mayor Tom McKibban

**EL DORADO SPECIAL CITY COMMISSION MEETING**

**June 16, 2010**

The El Dorado City Commission met in special session on June 16, 2010, at 4:00 p.m. in the Commission Room with the following present: Mayor Tom McKibban, Commissioner Linda Clark, Commissioner Nick Badwey, Commissioner Shane Krause, Commissioner David Chapin, City Manager Herb Llewellyn, Assistant City Engineer Scott Rickard, City Finance Director Dee Anne Grunder, and City Clerk Tabitha Sharp. Absent: City Attorney Jim Murfin.

**VISITORS**

Julie Clements	El Dorado Times	El Dorado, Kansas
Brad Meyer	220 E. 1 <sup>st</sup>	El Dorado, Kansas
Kyle McLaren	220 E. 1 <sup>st</sup>	El Dorado, Kansas
Ken Nakaten	220 E. 1st	El Dorado, Kansas
John Scanlon	220 E. 1st	El Dorado, Kansas
Tammy Schaffer	220 E. 1st	El Dorado, Kansas
Tom Boren	220 E. 1 <sup>st</sup>	El Dorado, Kansas
Kurt Bookout	220 E. 1 <sup>st</sup>	El Dorado, Kansas
Jared Cobb	220 E. 1 <sup>st</sup>	El Dorado, Kansas
Linda Jolly	2100 Pico	El Dorado, Kansas
Oral Taylor	1415 Country Club Rd	El Dorado, Kansas

**CALL TO ORDER**

Mayor Tom McKibban called the June 16, 2010 Special City Commission meeting to order.

**MCDONALD STADIUM BUILDING DEDICATION**

The El Dorado Baseball Hall of Fame would like to dedicate and name the building housing the umpires’ room, the concession stand and ticket booth at McDonald Stadium as Oral Taylor Pavilion in honor of Mr. Taylor’s dedication to baseball in El Dorado. A request was submitted and discussed with the Recreation Advisory Board. The Board recommends the Commission approve the request.

Commissioner Linda Clark moved that the naming of the concession stand, the ticket booth and the building housing the umpires’ room at McDonald Stadium as the Oral Taylor Pavilion be approved.

Commissioner David Chapin seconded the motion.

**CONSENT AGENDA**

- a) Consider approval of the May 17, 2010, City Commission minutes.
- b) Consider approval of Appropriation Ordinance No. 05-10 in the amount of \$1,445,926.99.
- c) Consider the Engineer’s Second Pay Estimate dated April 13, 2010 on Project No. 243C, 8<sup>th</sup> Street Lift Station/Forcemain Replacement to the Contractor, Middlecreek Corporation, in the amount of \$285,203.00.
- d) Consider the Engineer’s First Pay Estimate dated April 30, 2010 on Project No. 346, Stone Road Station Rehabilitation to the Contractor, Dondlinger & Sons, in the amount of \$77,108.96.

**EL DORADO SPECIAL CITY COMMISSION MEETING**

**June 16, 2010**

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

Commissioner David Chapin seconded the motion.

Motion carried 5-0.

**BUDGET**

Staff will be present to discuss the 2011 Budget and 2011-2016 CIP.

Finance Director DeeAnne Grunder, Assistant City Engineer Scott Rickard, Assistant Director of Public Works Brad Meyer, Public Utilities Director Kurt Bookout, Fire Chief Ken Nakaten, Police Chief Tom Boren, Parks and Recreation Director John Scanlon, and Building Official Kyle McLaren discussed changes to their budgets for the upcoming year.

Staff requested that the Commission be presented with a final copy of the budget after the County assessment has been received. The Commission agreed.

Commissioner Linda Clark stated that the Main Street organization was implemented with the goal of becoming self sufficient. She suggested that the increase Main Street has requested be denied, and their budget be decreased to \$25,000 for 2011. Mayor Tom McKibban and Commissioners Nick Badwey, David Chapin and Shane Krause agreed.

**EXECUTIVE SESSION**

This item is for the purpose of discussing confidential data relating to financial affairs or trade secrets of second parties and legal issues.

Commissioner Linda Clark moved to recess into an Executive Session for the purpose of discussing confidential data relating to financial affairs or trade secrets of second parties and legal issues, and to reconvene the regularly scheduled meeting in the City Commission room at 7:15 p.m.

Commissioner Nick Badwey seconded the motion.

Motion carried 5-0.

Mayor Tom McKibban and Commissioners Nick Badwey, David Chapin, Linda Clark and Shane Krause returned at 7:15 p.m. to request an additional thirty minutes for Executive Session.

Mayor Tom McKibban reconvened the meeting at 7:45 p.m.

**WATER DISCUSSION**

This agenda item was moved to executive session.

**PROJECT NOS. 243-N MAIN STREET SEWER AND 243D-DOUGLAS RD SEWER**

Bids were received and the low bids were below the Engineer's Estimates.

Assistant City Engineer, Scott Rickard presented to the commission bids that were received, and were below Engineer's estimates:

**Bids for Project No. 243-N Main St. Sewer**

	<u>Total Project Bids</u>
Engineer’s Estimate-	\$268,339.50
Nowak Construction-	\$215,239.40
Mies Construction-	\$216,466.80
Alan’s Excavating-	\$299,310.20

**Bids for Project No. 243D-Douglas Rd Sewer**

	<u>Total Project Bids</u>
Engineer’s Estimate-	\$115,785.00
Nowak Construction-	\$ 54,412.00
Mies Construction-	\$ 65,820.00
Alan’s Excavating-	\$139,362.00

Commissioner Nick Badwey moved that as Nowak Construction has submitted the lowest and best bid for Project No. 243 - North Main Street Sewer, and since their bid of \$215,239.40 was under the Engineer’s Estimate, the City Manager be directed to award the contract to said contractor providing that the company furnish the proper bonds.

Commissioner David Chapin seconded the motion.

**AND**

Commissioner Nick Badwey moved that as Nowak Construction has submitted the lowest and best bid for project no. 243D-Douglas Road Sewer, and since their bid of \$54,412.00 was under the Engineer’s Estimate, the City Manager be directed to award the contract to said contractor providing that the company furnish the proper bonds.

Commissioner Shane Krause seconded the motion.

**HOPE VI GRANT**

Discussion on the evaluation criteria was tabled until the next meeting.

**QUORUM**

On September 15, 2003, the City Commission approved a change in the Commission quorum from three members to four members by passing Ordinance No. G-949 and Charter Ordinance No. 19. The ordinance states that the quorum shall expire June 15 of each year, and a new ordinance must be approved by at least four commission members.

Commissioner Linda Clark moved that Ordinance No. G-1099, an ordinance adding quorum provisions to Title II, Chapter 2.04 of the City of El Dorado Municipal Code, be approved.

Commissioner Shane Krause seconded the motion.

**Roll Call**

	Mayor Tom McKibban	Yes
Position No. 1	Commissioner Shane Krause	Yes
Position No. 2	Commissioner Linda Clark	Yes
Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner David Chapin	Yes

**ADJOURNMENT**

Commissioner David Chapin moved the meeting adjourned at 8:02 p.m.

Commissioner Shane Krause seconded the motion.

Motion Carried 5-0.

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City Clerk Tabitha Sharp

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Mayor Tom McKibban



**EL DORADO CITY COMMISSION MEETING**

**June 21, 2010**

The El Dorado City Commission met in regular session on June 21, 2010 at 7:00 pm in the Commission Room with the following present: Commissioner Linda Clark, Commissioner Nick Badwey, Mayor Tom McKibban, Commissioner Shane Krause, Commissioner David Chapin, City Manager Herb Llewellyn, Assistant City Engineer Scott Rickard, and City Clerk Tabitha Sharp. City Attorney Jim Murfin was absent.

**VISITORS**

Don Bolt	23 E Ct	El Dorado, Ks
Steve Pershall	1502 N Topeka	El Dorado, Ks
Jared Cobb	220 E. 1 <sup>st</sup> Ave	El Dorado, Ks
Kevin Pickrell	704 Maplewood	El Dorado, Ks
Jack Buckner	3605 W. Towanda	El Dorado, Ks
Lindsay Baines	1516 W 3 <sup>rd</sup>	El Dorado, Ks
Linda Jolly	2100 Pico Ct	El Dorado, Ks
Jim Gardner	930 Fairway Ct	El Dorado, Ks
Matt Rheder	220 E 1 <sup>st</sup>	El Dorado, Ks
Dana Korkki	2925 W 5 <sup>th</sup>	El Dorado, Ks
Andrew Kovar	2959 N Rock Rd	Wichita, Ks

**CALL TO ORDER**

Mayor Tom McKibban called the June 21, 2010 City Commission meeting to order.

**INVOCATION**

The Reverend Brian Johnson, Hope Covenant Church, opened the meeting with prayer.

**PLEDGE OF ALLEGIANCE**

The El Dorado Explorer Program led the Pledge of Allegiance.

**PERSONAL APPEARANCE**

**El Dorado Inc. Quarterly Report**

Linda Jolly, Director of El Dorado Inc., updated the Commission on the activities of El Dorado Inc., current bed tax collections, and housing progress.

**PUBLIC COMMENTS**

Mayor Tom McKibban opened the floor for public comments.

Don Bolt, 23 E. Court, stated that the pond behind Mitchell Manor is still becoming flooded with heavy rain which affects use of the storm shelter at Mitchell Manor.

Mayor Tom McKibban stated that he thought the issue had been resolved.

City Manager, Herb Llewellyn stated that the City had been out to correct the issue, however it may need maintenance. It will be looked at the next day.

**CONSENT AGENDA**

- a) Consider approval of the June 16, 2010, Special Commission minutes.

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

Commissioner Shane Krause seconded the motion.

**ROTARY TORNADO MEMORIAL UPDATE**

Rotary representative Steve Pershall was present to update the City Commission on the progress of the Tornado Memorial. He explained each of the current plaques and discussed plans to finish the memorial.

**HOPE VI GRANT**

City Clerk Tabitha Sharp presented the scoring criteria for the HOPE VI grant applicants to the Commission for approval.

Commissioner Nick Badwey moved to accept the selection criteria and process of the HOPE VI Grant as presented by staff.

Commissioner Shane Krause seconded the motion.

Motion carried 5-0.

**PUBLIC HEARING FOR PROJECT NOS. 306, 316, 323, 325, 327, 334 & 335**

Project Nos. 306, 316, 323, 325, 327, 334 & 335 are complete. The City Commission established this date to spread the special assessments to the properties.

Project No. 306 – Landscape Wall-The Oaks Addition

Preliminary Estimate	\$61,030.40
Final Cost	\$39,837.93
Improvement District Cost	\$39,837.93
City at Large Cost	\$ 0.00

Project No. 316 – Sanitary Sewer-College Acres

Preliminary Estimate	\$75,904.00
Final Cost	\$69,637.50
Improvement District Cost	\$69,637.50
City at Large Cost	\$ 0.00

Project No. 323 – Landscape Wall-1910 N Main

Preliminary Estimate	\$8,613.12
Final Cost	\$8,409.22
Improvement District Cost	\$8,409.22
City at Large Cost	\$ 0.00

Project No. 325 – Sanitary Sewer-Lot 3 Blk 3 Business Park

Preliminary Estimate	\$36,230.90
Final Cost	\$ 8,570.25
Improvement District Cost	\$ 8,570.25
City at Large Cost	\$ 0.00

Project No. 327 – Paving Walnut Valley Dr

Preliminary Estimate	\$62,380.40
Final Cost	\$41,544.94
Improvement District Cost	\$33,651.40
City at Large Cost	\$ 7,893.54

Project No. 334 – 2009 Residential Sidewalk Program

Preliminary Estimate	\$40,438.03
Final Cost	\$29,873.69
Improvement District Cost	\$24,153.83
City at Large Cost	\$ 5,719.86

Project No. 335 – Extend Sewer Main 600 blk S Topeka

**EL DORADO CITY COMMISSION MEETING**

**June 21, 2010**

Preliminary Estimate	\$16,252.80
Final Cost	\$10,941.32
Improvement District Cost	\$ 2,188.26
Public Utilities Cost	\$ 8,753.06

Mayor Tom McKibban opened the public hearing for comments.

Mayor Tom McKibban closed the public hearing when no one came forward.

Commissioner Linda Clark moved that Ordinance No. S-1313, an ordinance levying special assessments on certain property to pay the costs of internal improvements in the city of El Dorado, Kansas, as heretofore authorized by resolution nos. 2613, 2618, 2624, 2627, 2629, 2636 and 2635 of the city; and providing for the collection of such special assessments.

Commissioner Nick Badwey seconded the motion.

Roll Call

Position No. 1	Commissioner Shane Krause	Yes
Position No. 2	Commissioner Linda Clark	Yes
Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner David Chapin	Yes
	Mayor Tom McKibban	Yes

**PROJECT NO. 289 – PAVING OF SCHOOL ROAD FROM CENTRAL AVENUE TO SIXTH AVENUE**

Tonight the Commission will consider setting a Public Hearing on July 19, 2010 to allow for public comment on this project. Property owners will be notified of the public hearing as well as a notice being published in the El Dorado Times prior to the meeting.

The process of initiating this project is as follows:

- Tonight, June 21st – Commission sets a public hearing date by Resolution
- Following Tonight- Letters will be sent to property owners notifying them of a Public Hearing, notification also published twice in the Times.
- July 19th – Commission Holds Public Hearing for Comment
- July 19th – The Commission sets out their Findings and Determinations by Resolution. Property owners may sign a protest petition within 20 days of the publication of the Findings and Determinations Resolution.

Commissioner Linda Clark moved that Resolution No. 2656, a resolution calling and providing for the giving of notice of a public hearing on the advisability of the making of a certain internal improvement in the City of El Dorado, Kansas, under the provisions of K.S.A. 12-6a01 *et seq.*, as amended and supplemented; and providing for the giving of notice of said hearing (Paving Improvements/Project No. 289).

Commissioner Shane Krause seconded the motion.

Motion carried 5 - 0.

**PROJECT NO. 356 – PAVING OF 3<sup>RD</sup> AVENUE FROM VILLAGE ROAD TO BOYER**

Tonight the Commission will consider setting a Public Hearing on July 19, 2010 to allow for public comment on this project. Property owners will be notified of the public hearing as well as a notice being published in the El Dorado Times prior to the meeting.

The process of initiating this project is as follows:

- Tonight, June 21st – Commission sets a public hearing date by Resolution
- Following Tonight- Letters will be sent to property owners notifying them of a Public Hearing, notification also published twice in the Times.
- July 19th – Commission Holds Public Hearing for Comment
- July 19th – The Commission sets out their Findings and Determinations by Resolution. Property owners may sign a protest petition within 20 days of the publication of the Findings and Determinations Resolution.

Commissioner Shane Krause moved that Resolution No. 2657, a resolution calling and providing for the giving of notice of a public hearing on the advisability of the making of a certain internal improvement in the City of El Dorado, Kansas, under the provisions of K.S.A. 12-6a01 *et seq.*, as amended and supplemented; and providing for the giving of notice of said hearing (Paving Improvements/Project No. 289).

Commissioner Linda Clark seconded the motion.

Motion carried 5 - 0.

### **SPECIAL USE PERMIT**

Matt Rehder, Assistant to the City Manager state that the applicant, BC Property, is requesting a Special Use Permit to allow a propane filling station on property located at 2310 W. 6<sup>th</sup>. The property is currently zoned I-1 Light Industrial District.

At the May 27, 2010, Planning Commission meeting, after review of the facts in the case and the information submitted at the public hearing, the Planning Commission recommended approval the Special Use Permit application by a vote of 5-0. City staff recommends the following condition of use: all required parking spaces, and access ways thereto, shall be on a hardened surface as approved by the City Engineer.

Commissioner Linda Clark moved that the recommendation of the Planning Commission to approve Case No. 10-003-SUP requesting a Special Use Permit to allow gas storage on property located at 2310 W. 6<sup>th</sup> be approved, with the stated condition, for reasons stated in the staff report.

Commissioner Nick Badwey seconded the motion.

### **PUBLIC HEARING – 2011 – 2016 CIP**

The staff has completed the preparation of the six-year Capital Improvement Program, 2011-2016. The City Commission has been provided with a copy of the CIP and an Administrative Hearing was held on May 28, 2010.

Mayor Tom McKibban opened the public hearing.

Mayor Tom McKibban closed the public hearing when no one came forward.

### **TNT METAL FABRICATORS BOND AMENDMENT**

**EL DORADO CITY COMMISSION MEETING**

**June 21, 2010**

Andrew Kovar of Triplett, Woolf and Garretson LLC was present to discuss the bond amendment. In 2007, TNT Metal Fabricators asked the City to allow them to use IRB’s to finance their planned new facility. The Commission approved the request July 16<sup>th</sup> of that year. IRB’s were issued, and TNT constructed and moved into the new facility. They and their bond holder now ask to restructure the bond. This change will not extend the property tax forbearance nor incur any liability or costs for the City. All material has been reviewed by City Bond Counsel.

Mr. Kovar stated that this does not change the tax abatement time.

Mayor Tom McKibban opened the public hearing.

Mayor Tom McKibban closed the public hearing when no one came forward.

Commissioner Nick Badwey moved that Ordinance No. S-1314, an ordinance of the City of El Dorado, Kansas, authorizing the execution and delivery of, and consenting to, a first supplemental and amendment to trust indenture by and between the City of El Dorado, Kansas and Security Bank of Kansas City, Kansas City, Kansas, as Trustee, be approved.

Commissioner Linda Clark seconded the motion.

Roll Call

Position No. 4	Commissioner David Chapin	Yes
	Mayor Tom McKibban	Yes
Position No. 1	Commissioner Shane Krause	Yes
Position No. 2	Commissioner Linda Clark	Yes
Position No. 3	Commissioner Nick Badwey	Yes

**BOARD APPOINTMENTS**

The Recycling & Solid Waste Advisory Committee has 3 openings and 1 applicant.

The Youth Commission was initiated in May 2002 and has completed its eighth year. This board needs 16 members; 3 from each grade level of Freshman, Sophomore, Junior and Senior, and 4 at-large members. The Freshman grade has 4 applicants (1 at-large); the Sophomore grade has 2 applicants; the Junior grade has 2 applicants; and the Senior grade has 1 applicant. This board still needs 7 applicants.

**RECYCLING & SOLID WASTE ADVISORY COMMITTEE – No Term Limit (3-year term)**

Commissioner Linda Clark moved to appoint Tonya Kerschner to the Recycling & Solid Waste Advisory Committee for a term set to expire May 1, 2013.

Commissioner Shane Krause seconded the motion.

Motion carried 5-0.

**YOUTH COMMISSION – No Term Limit (1-year term)**

Commissioner David Chapin moved to appoint Katie Goebel, Chandler Bolen, Taylor Briscoe, Alex Pennington, Jessica Pilant, Sierra Bonn, Victoria Gricol, Heather Riddle, and Daniel Rittle to the Youth Commission for a one-year term ending June 30, 2009.

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

**EL DORADO CITY COMMISSION MEETING**  
**NEW BUSINESS – DISCUSSION ITEMS**

**June 21, 2010**

Commissioner David Chapin thanked Jim Gardner for his work with the Youth Commission and the students who participated.

Commissioner Nick Badwey reminded everyone to check on elderly and animals during the extreme heat.

Commissioner Linda Clark asked about the discussion between the City and County in regards to providing water at College Acres.

City Manager Herb Llewellyn stated that it would be approximately a month before the meter work and paper work were finished.

Commissioner Shane Krause inquired about the construction at 6<sup>th</sup> and Boyer.

Assistant City Engineer Scott Rickard stated that there has been some delay due to rain, but construction is moving ahead and a completion date in the fall is possible.

Commissioner Shane Krause asked what the City has planted in the medians at Central and Haverhill.

Administrative Intern Jared Cobb showed pictures of what is currently being seen and what the plants will look like once they have bloomed.

Commissioner Shane Krause asked where the City's fireworks display was being held.

Commissioner Nick Badwey stated it would be on the 10<sup>th</sup> Fairway at Prairie Trails.

Mayor Tom McKibban encouraged everyone to be safe on the 4<sup>th</sup> of July. He also stated that everyone should obtain permission to shoot off fireworks on property that is not theirs.

Mayor Tom McKibban asked who residents should call if they see an animal without proper shelter or water.

City Manager Herb Llewellyn stated they should call Animal Control at 322-8844.

Mayor Tom McKibban stated that everyone should drink water and stay hydrated during the heat.

Mayor Tom McKibban attended the ceremony for Oral Taylor at Mac Stadium. He stated that it was interesting to hear the history and thanked those who attended.

Commissioner Linda Clark confirmed that the next City Commission meeting would be on July 6<sup>th</sup>, 2010 due to the holiday.

**CITY MANAGERS REPORT**

City Manager Herb Llewellyn stated that Prairie Trails has received the first load of new golf carts.

City Manager Herb Llewellyn reminded the public that water bills were being mailed inside of the water quality reports, so residents should look out for them.

**SUGGESTED MOTION**

Commissioner Nick Badwey moved to adjourn the meeting at 8:07 p.m.

Commissioner Linda Clark seconded the motion.

**EL DORADO CITY COMMISSION MEETING**

**June 21, 2010**

Motion carried 5-0.

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City Clerk Tabitha Sharp

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Mayor Tom McKibban

**EL DORADO CITY COMMISSION MEETING**

**July 6, 2010**

The El Dorado City Commission met in regular session on July 6, 2010 at 7:00 pm in the Commission Room with the following present: Commissioner Linda Clark, Commissioner Nick Badwey, Mayor Tom McKibban, Commissioner Shane Krause, Commissioner David Chapin, City Manager Herb Llewellyn, City Attorney Jim Murfin, Assistant City Engineer Scott Rickard, and City Clerk Tabitha Sharp.

**VISITORS**

Kevin Pickrell	704 Maplewood	El Dorado, Ks
Tim Smith	416 State	El Dorado, Ks
Caleb Marsh	314 Eunice	El Dorado, Ks
Chance Ogle	Boy Scout Troop 222	El Dorado, Ks
Charleene Ogle	Boy Scout Troop 222	El Dorado, Ks
Amanda Showalter	Girl Scout Troop 40610	El Dorado, Ks
Bobbie Fry	Girl Scout Troop 40610	El Dorado, Ks
Erika Pena	Girl Scout Troop 40610	El Dorado, Ks
Rianne Showalter	Girl Scout Troop 40610	El Dorado, Ks
Teren Showalter	Girl Scout Troop 40610	El Dorado, Ks
Avi Pena	Girl Scout Troop 40610	El Dorado, Ks
Brianna Pena	Girl Scout Troop 40610	El Dorado, Ks
Kaylle Peno	Girl Scout Troop 40610	El Dorado, Ks
Andrea Fry	Girl Scout Troop 40610	El Dorado, Ks
Jared Cobb	725 River Road	El Dorado, Ks

**CALL TO ORDER**

Mayor Tom McKibban called the July 6, 2010 City Commission meeting to order.

**INVOCATION**

The Reverend Tim Smith, Church of God of Prophecy, opened the meeting with prayer.

**PLEDGE OF ALLEGIANCE**

The Girl Scout Troop 40610, Amanda Showalter, Troop Leader, led the Pledge of Allegiance.

**PERSONAL APPEARANCE**

**El Dorado Municipal Band, Kevin Pickrell**

Kevin Pickrell, El Dorado Municipal Band informed the Commission that there will be an Ice Cream Social, Thursday, July 15, 2010 at 7:30 p.m.

**PROCLAMATION**

Mayor Tom McKibban proclaimed the Kansas Veterans and Family Reunion to be held on July 16-10, 2010.

**PUBLIC COMMENTS**

Mayor Tom McKibban opened the floor for public comments.

Brad Meyer, Assistant Director of Public Works, introduced Caleb Marsh the new Airport Manager for the City of El Dorado.

**CONSENT AGENDA**

- a) Consider approval of the June 21, 2010, Special Commission minutes.



- b) Consider approval of the Appropriation Ordinance No. 06-10 in the amount of \$1,596,430.37

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

Commissioner Nick Badwey seconded the motion.

Motion carried 5-0.

**HOPE VI GRANT**

The Committee has met and recommends moving forward with the WMS proposal. If the Commission approves, this group will meet with the grant administrator to write the grant application.

Commissioner Nick Badwey moved to accept the recommendation by the HOPE VI Grant Committee of the WMS group.

Commissioner David Chapin seconded the motion.

Motion carried 5-0.

**RECEIVE THE PETITION ON PROJECT NO 352-RESIDENTIAL SIDEWALKS**

We have received a petition to improve residential sidewalks under the current sidewalk policy. The proposed bid date is July 14<sup>th</sup>, and the Commission will consider the bids at the July 19<sup>th</sup> meeting.

*Project No. 352 - 2010 Residential Sidewalks*

401 S Denver, 410 N Arthur, 519 Ohio, 516 N Topeka, 303 N Atchison, 303 N Taylor, 1411 Edgemoor, 518 W 3<sup>rd</sup>, 1508 Edgemoor, 301 N Washington, 200 N Star, 215 S Star, 319 S Race, 830 W 4<sup>th</sup>, 332 N Washington, 203 S Emporia, 516 N Ohio, 1419 Edgemoor, 720 S Star, 416 N Denver, 520 W 4<sup>th</sup>, 119 S Emporia.

City Clerk reports to the Commission that the petition for the construction projects, signed by owners of 100% percent of the total number of lots in the improvement district, is sufficient for Project No. 352.

Commissioner Linda Clark moved that Resolution No. 2658, a resolution determining the advisability of the making of certain internal improvements in the City of El Dorado; making certain findings with respect thereto; and authorizing and providing for the making of the improvements in accordance with such findings (Sidewalk Improvements/Project No. 352).

Commissioner Shane Krause seconded the motion.

**SE QUADRANT MANDATORY SIDEWALK REPLACEMENT-DISCUSSION**

City staff has evaluated sidewalks in the SE Quadrant (High to Gordy from Central to Southwest Trafficway) and have determined that there are 298 properties and approximately 27,000SF of sidewalk that needs replaced. Staff is now inquiring if the Commission would like to force that amount of replacement. See attached Improvement District Map.

Estimated Costs

Improvement District Cost	\$117,018.00
City at Large Costs	\$ 20,409.50

Assistant City Engineer, Scott Rickard stated that this is the same sidewalk policy that allows for 10 years interest free. The City will pay for the removal as we have to follow City Code.

Once the homeowners have been contacted they will have 30 days to repair the sidewalk themselves or the City will repair it for them.

The consensus was to move forward the Project.

**NEW BUSINESS – DISCUSSION ITEMS**

Commissioner Linda Clark expressed her sympathies to the Oral Taylor family.

Commissioner Nick Badwey expressed his sympathies and that he will miss Oral. The City fireworks show on July 4<sup>th</sup> was great. He also asked for an update on Boyer Road.

Assistant City Engineer, Scott Rickard said that while the recent rain has provided some delay, the project is moving along very well.

Commissioner David Chapin also expressed his sympathies to the Oral Taylor family.

Mayor Tom Mckibban expressed his sympathies to the Oral Taylor family.

**CITY MANAGERS REPORT**

City Manager Herb Llewellyn shared that he did receive a Thank You card from Representative Grange for support of the Governor’s Golf & Fishing Classic.

**EXECUTIVE SESSION**

Commissioner Linda Clark moved to recess into an Executive Session for the purpose of discussing confidential business matters, and to reconvene the regularly scheduled meeting in the City Commission room at 8:15 p.m.

Commissioner Shane Krause seconded the motion.

Motion carried 5-0.

Mayor Tom McKibban reconvened the meeting at 8:15 p.m.

Commissioner Nick Badwey moved for the Executive Session to extend another 20 minutes.

Commissioner Shane Krause seconded the motion.

**SUGGESTED MOTION**

Commissioner David Chapin moved to adjourn the meeting at 8:41 p.m.

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

**EL DORADO CITY COMMISSION MEETING**

**July 19, 2010**

The El Dorado City Commission met in regular session on July 19, 2010 at 7:00 pm in the Commission Room with the following present: Commissioner Linda Clark, Commissioner Nick Badwey, Mayor Tom McKibban, Commissioner Shane Krause, Commissioner David Chapin, City Manager Herb Llewellyn, City Attorney Jim Murfin, Assistant City Engineer Scott Rickard, and City Clerk Tabitha Sharp.

**VISITORS**

Jared Cobb	220 E. 1 <sup>st</sup>	El Dorado, KS
Fred Kropf	2001 W. Towanda	El Dorado, KS
Rick and Cathy Cox	2902 W. 3 <sup>rd</sup>	El Dorado, KS
Pat and Dan Anderson	520 School Rd	El Dorado, KS
Carl and Yvonne Cooley	225 Belair	El Dorado, KS
Jeremiah and Christy Winter	627 Village Rd	El Dorado, KS
Park Norris	505 School Rd	El Dorado, KS
Jim Miller	345 Hunton	El Dorado, KS
LeRoy Hildreth	601 Village Rd	El Dorado, KS
James Cook	719 Fredric Dr	El Dorado, KS
Harold Anderson	2820 W. 3 <sup>rd</sup>	El Dorado, KS
Arnold Starkel	521 Village Rd	El Dorado, KS
Richard Srna	312 School Rd	El Dorado, KS
Jeannine Royse	528 Marmaton Rd	El Dorado, KS
Gwen Fenmimore	2842 W. 3 <sup>rd</sup>	El Dorado, KS
Terri Fioretto	521 S. Denver	El Dorado, KS
Matt Rehder	220 E. 1 <sup>st</sup>	El Dorado, KS
Chester McCoy	336 Simpson Rd	El Dorado, KS
Dewayne Moore	342 Simpson Rd	El Dorado, KS
Robert and Barbara Jenkins	420 Simpson Rd	El Dorado, KS
Donald Shepherd	411 Marmaton Rd	El Dorado, KS
Lew Hartwig	641 Village Rd	El Dorado, KS
Kurt Bookout	2520 Kacy Ct	El Dorado, KS
Tim Engels	2753 W. 3 <sup>rd</sup>	El Dorado, KS
Kenneth and Helen Wagner	2608 W. 3 <sup>rd</sup>	El Dorado, KS
Brad Meyer	220 E. 1 <sup>st</sup>	El Dorado, KS
Donald and Rosemarie Richard		El Dorado, KS
Wilma		El Dorado, KS
Bonnie Ayers		El Dorado, KS

**CALL TO ORDER**

Mayor Tom McKibban called the July 6, 2010 City Commission meeting to order.

**INVOCATION**

The Reverend Rick Barrett of the Family Worship Center opened the meeting with prayer.

**PLEDGE OF ALLEGIANCE**

The Reverend Rick Barrett of the Family Worship Center led the Pledge of Allegiance.

**PERSONAL APPEARANCE**

None.

**PROCLAMATION**

None.

**EL DORADO CITY COMMISSION MEETING  
PUBLIC COMMENTS**

**July 19, 2010**

Mayor Tom McKibban opened the floor for public comments.

Fred Kropf, 2001 W. Towanda, stated that the Cornejo construction trucks were using Towanda to get to the street improvement site. He stated that they were tearing up the road and asked if the City would do something to ensure that they used the truck route.

Assistant City Engineer, Scott Rickard stated that he and Cornejo had spoken about the best possible route to the site and they believed that using Towanda to enter was the best way to proceed.

**CONSENT AGENDA**

a) Consider approval of the July 6, 2010, City Commission minutes.

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

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

**PROJECT NO. 289-PAVING OF SCHOOL RD FROM CENTRAL TO 6<sup>TH</sup>**

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

Mayor Tom McKibban asked how many home owners would be affected by this.

Assistant City Engineer Scott Rickard stated that there would be 99.

Commissioner Linda Clark asked if the ten year pay off period could be changed to twenty.

Assistant City Engineer Scott Rickard stated that it was possible as a whole.

Commissioner Shane Krause asked about the history behind this request.

Assistant City Engineer Scott Rickard stated that home owners had asked for it.

Mayor Tom McKibban asked how many residents had to vote against it in order to stop the project.

Assistant City Engineer Scott Rickard stated that it must be 51% of resident owners and 51% of land owners. Resident owners reside on the property in El Dorado and receive one vote. Land owners receive a percentage of the vote based on how much land they own.

Commissioner David Chapin asked about the petition process.

Assistant City Engineer Scott Rickard stated that it would begin the day after the resolution is passed and last for 20 days.

Mayor Tom McKibban opened the public hearing.

Carl Cooley, 225 Belair, asked if the payoff time could be expanded to 20 years.

Harold Anderson asked for an explanation of the cost.

Assistant City Engineer Scott Rickard stated that the City takes the estimated costs, subtracts the City at Large cost, and this gives them the improvement district cost. The improvement district cost is divided by the total square footage of the project. The cost per

square foot is multiplied by the square footage for each property owner and that gives the City the cost per owner.

LeRoy Hildreth, 601 Village Rd, asked if the City could ensure that a drive be put in for the alley that runs behind his house.

Assistant City Engineer Scott Rickard stated that it was not a recognized alley, it is an easement for public utilities. If the property owners agree, they can do something for the entrance, but two property owners are against it.

City Manager Herb Llewellyn stated that if people are allowed to drive on it for a year, it is a prescriptive easement. The City will not curb and gutter it this week, they will do some research and bring it before the Commission at the next meeting.

Mayor Tom McKibban closed the public hearing.

**PROJECT NO. 356-PAVING OF 3<sup>RD</sup> FROM VILLAGE TO BOYER**

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

Mayor Tom McKibban opened the public hearing.

Lew Harwig asked about the stimulus money approved for the road project.

Assistant City Engineer Scott Rickard stated that the stimulus money was approved for the project at 6<sup>th</sup> and Boyer. The City has not yet decided where it will be allocated.

Rick Cox, 2902 W. 3<sup>rd</sup> was in favor of the paving. He would like to see a 20 year pay off.

Donald Shepherd, 411 Marmaton Rd. asked what had been done since the city annexed this property.

Assistant City Engineer Scott Rickard listed water lines, the pressure system, etc...

Mr. Shepherd asked about getting the petition to everyone.

Assistant City Engineer Scott Rickard stated that if someone could not make it to City Hall, we would bring the petition to them.

Jim Miller, 345 Hunton asked how much the City would be responsible for.

Assistant City Engineer Scott Rickard stated that the City would be responsible for \$298,000 on the School Rd. project and \$351,000 on the 3<sup>rd</sup> Avenue project. The lesser amount that the City is responsible for is due to the fact that the City only owns the right of way.

Gwen Fenmimore, 2842 W. 3<sup>rd</sup> asked about the time period for the project.

Assistant City Engineer Scott Rickard stated that it would begin in the Spring of 2011 and hopefully be completed in the Fall of 2011.

Ms. Fenmimore also inquired about parking.

Assistant City Engineer Scott Rickard stated that the construction crews would do their best to keep parking access open except for brief periods where they would make other arrangements with the residents.

Tim Engels, 2753 W. 3<sup>rd</sup> was in favor of the project, and requested a 20 year pay off.

**EL DORADO CITY COMMISSION MEETING**

**July 19, 2010**

Commissioner David Chapin asked if the residents can pay off the assessment early.

Assistant City Engineer Scott Rickard stated that they can do that, but two years of interest will be added to the total pay off.

Harold Anderson, 2820 W. 3<sup>rd</sup> asked if the driveways would be the same.

Assistant City Engineer Scott Rickard stated that the Engineering Department would be meeting with home owners about their driveway to confirm where it would be placed and how large it would be.

Mayor Tom McKibban closed the public hearing.

**EXECUTIVE SESSION**

Commissioner Linda Clark moved to recess into an Executive Session for the purpose of discussing confidential business matters, and to reconvene the regularly scheduled meeting in the City Commission room at 8:55 p.m.

Commissioner Nick Badwey seconded the motion.

Motion carried 5-0.

Mayor Tom McKibban reconvened the meeting at 9:00 p.m.

**PROJECT NO. 352 – RESIDENTIAL SIDEWALKS**

Bids were received and the low bids were below the Engineer’s Estimates.

Assistant City Engineer Scott Rickard presented the bids for the project as follows:

	<u>Total Bids</u>
Engineer’s Estimate-	\$19,566.88
CDF Flatwork-	\$18,409.12
Barkley Construction-	\$18,796.85
Cornejo & Sons-	\$21,427.38
Beran Concrete-	\$25,575.00

Commissioner Nick Badwey moved that as Barkley Construction has submitted the lowest and best bid for project no. 352 residential sidewalks, and since their bid of \$18,796.85 was under the Engineer’s Estimate, the City Manager be directed to award the contract to said contractor providing that the company furnish the proper insurance.

Commissioner Shane Krause seconded the motion.

Motion carried 5-0.

**WATER TREATMENT PLANT STAND-BY GENERATOR**

The El Dorado Water Treatment Plant does not have a back-up power supply. We have 1.25 MG of elevated storage, which even at times of low water demand will last only about half a day. If a city runs out of water or the system pressure drops below 20 psi for a significant amount of time, a boil order must be issued and the entire system must be disinfected before declaring the water safe to drink. Professional Engineering Consultants has provided us with design information on the equipment required to provide stand-by power for the Water Plant and Frontier Raw Water Pump Station, adjacent to the Water Plant. Frontier has agreed to pay their share of the generator costs. Any generators manufactured after the first of the year must be Tier 4 compliant. Ordering a generator now will save about \$100,000 in Tier 4 compliance modifications.

We have five pumps to supply power to in the WTP. Four of the five pumps have 40 year old switchgear and parts are no longer available for this equipment. Since a

**EL DORADO CITY COMMISSION MEETING**

**July 19, 2010**

generator and supporting transformers must be configured for correct voltages, it is recommended we replace all motors and switchgear when we add the generator.

Having a stand-by generator will also allow the Water Treatment Plant to switch to a lower Westar rate plan, called the "Generation Substitution Service". This will save an estimated \$10,000/year.

<u>Estimated Costs</u>	
Generator and Transformers	\$ 643,400
New High Service Pump Motors	
And Switchgear	\$ 392,100
Contingency	<u>\$ 110,550</u>
Total Estimated Project Costs	\$1,146,050

Director of Public Utilities Kurt Bookout stated that we need to obtain the back-up generator in order to be able to provide water to the City in the event of a power outage. Currently if the towers are full, the City would have a 6 to 8 hour supply, and if that were depleted, it would take several days to re-establish the supply. Frontier is willing to pay for part of it.

**SPECIAL USE PERMIT TO ALLOW A BED AND BREAKFAST ON PROPERTY LOCATED AT 521 S. DENVER**

The applicant, Teresa Fioretto, is requesting a Special Use Permit to allow a bed and breakfast on property located at 521 S. Denver. The property is currently zoned R-1 Residential-Low Density District.

At the June 24, 2010, Planning Commission meeting, after review of the facts in the case and the information submitted at the public hearing, the Planning Commission recommended approval the Special Use Permit application by a vote of 6-0.

Assistant to the City Manager Matt Rehder was present to answer questions.

Commissioner Nick Badwey moved that the recommendation of the Planning Commission to approve Case No. 10-002-SUP requesting a Special Use Permit to allow a bed and breakfast on property located at 521 S. Denver be approved for reasons stated in the staff report and heard at the public hearing, and that Ordinance No. G-1100 be approved.

Commissioner Shane Krause seconded the motion.

**Roll Call**

	Mayor Tom McKibban	Yes
Position No. 1	Commissioner Shane Krause	Yes
Position No. 2	Commissioner Linda Clark	Yes
Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner David Chapin	Yes

**SPECIAL USE PERMIT TO ALLOW A VEHICLE AND TRAILER SALES LOT ON PROPERTY LOCATED AT 500 N. VINE**

The applicant, C&H Investment in Wichita, is requesting a Special Use Permit to allow a vehicle and trailer sales lot on property located at 500 N. Vine. The property is currently zoned I-1 Light Industrial District.

At the June 24, 2010, Planning Commission meeting, after review of the facts in the case and the information submitted at the public hearing, the Planning Commission recommended approval the Special Use Permit application by a vote of 5-0.

On June 28, the State Historic Preservation Society deemed the project acceptable in a letter to the city.

**EL DORADO CITY COMMISSION MEETING**

**July 19, 2010**

Assistant to the City Manager Matt Rehder was present for questions. He stated that the mobile home currently sitting on the property would have to be brought up to code, but it will be used as the office space.

Mayor Tom McKibban and Commissioner Linda Clark stated that they would not support this SUP because of the number of unknown facts.

Commissioner Nick Badwey stated that he would like to see a site plan that conforms to the current Code.

Commissioner Shane Krause stated that he would like a guarantee that the easement would be protected for the residents that live behind this property.

Commissioner David Chapin was in favor of approving the SUP.

Commissioner Shane Krause moved that the SUP be tabled until further information was received.

Commissioner Nick Badwey seconded it.

Motion carried 4 to 1.

**APPLICATION TO REZONE PROPERTY FROM R-2 RESIDENTIAL MEDIUM DENSITY DISTRICT TO C-1 GENERAL BUSINESS DISTRICT**

Executive Storage, 1122 N. Main, is requesting property located in the 100 block of East 10<sup>th</sup>, be rezoned from R-2 Residential-Medium Density District to C-1 General Business District. The applicant wishes to expand the self-storage operations adjacent to the north of the property in question.

At the June 24, 2010 Planning Commission meeting, after review of the facts in the case and the information submitted at the public hearing, the Planning Commission recommended approval of the application by a vote of 6-0.

Assistant to the City Manager Matt Rehder was present for questions. He stated that this rezoning would make the property accessible only off of North Main St.

Commissioner Nick Badwey moved that the recommendation of the Planning Commission to approve Case No. 10-002-REZ requesting a rezoning of Lots 16, 18, 20, Block 9 and 66 feet of the vacated street between Blocks 8 and 9, Riverside Addition, be accepted and that Ordinance No. G-1101 be approved

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

**SPECIAL USE PERMIT TO ALLOW GAS/FUEL STORAGE ON PROPERTY LOCATED AT 2310 W. 6<sup>TH</sup>**

This item was approved at the June 21 City Commission meeting, but an ordinance was not passed. The applicant is not changing any plans nor are they contesting the condition of use. The Planning Commission recommended approving the application on a 5-0 vote.

Commissioner Linda Clark moved that the recommendation of the Planning Commission to approve Case No. 10-003-SUP requesting a Special Use Permit to allow gas storage on property located at 2310 W. 6<sup>th</sup> be approved, with the stated condition, for reasons stated in the staff report and heard at the public hearing, and that Ordinance No. G-1102 be approved.

Commissioner David Chapin seconded the motion.

Roll Call



**EL DORADO CITY COMMISSION MEETING**

**July 19, 2010**

Position No. 2	Commissioner Linda Clark	Yes
Position No. 3	Commissioner Nick Badwey	Abstain
Position No. 4	Commissioner David Chapin	Yes
	Mayor Tom McKibban	Yes
Position No. 1	Commissioner Shane Krause	Yes

Motion carried 4-0.

**NEW BUSINESS – DISCUSSION ITEMS**

Commissioner Nick Badwey stated that the Veterans’ Reunion was very successful. He also reminded people to keep an eye on pets and the elderly during the heat.

Commissioner Linda Clark asked who to call about grass clippings in the street.

Assistant Public Works Director Brad Meyer stated that they should call Public Works.

Commissioner Linda Clark also asked who to call about trash containers.

Assistant Public Works Director Brad Meyer stated that they should call Public Works. They have not had to ticket anyone as of yet, but will do so when appropriate.

Mayor Tom McKibban asked if our police officers were enforcing the seat belt law.

City Manager Herb Llewellyn stated he did not know if they had written any tickets yet, but they are looking.

Mayor Tom McKibban confirmed that we did not know that the state had planned to install school lights on Main St.

City Manager Herb Llewellyn state that was correct, the program was initiated in Topeka.

Assistant City Engineer Scott Rickard stated that the state had talked to the school district. The City will need to change the code to comply.

Mayor Tom McKibban stated that a lot of properties owned by builders were not being mowed properly.

Assistant Public Works Director Brad Meyer stated that the code enforcement officer is trying to keep on those properties.

Mayor Tom McKibban asked if the City was staying on top of the trucks using Main St. instead of the truck route.

Assistant Public Works Director Brad Meyer stated that the signs were made larger and placed earlier to warn the truck drivers.

City Manager Herb Llewellyn stated that the City is writing tickets for it, but it is a matter of catching them.

Mayor Tom McKibban asked when the flowers would be blooming on the medians.

City Manager Herb Llewellyn stated that they should be blooming now.

**CITY MANAGERS REPORT**

City Manager Herb Llewellyn stated that the KDHE inspector recommended the Waste Water Plant for an award.

He also stated that work on Frederick Drive is finished and the drainage has been diverted.

City Manger Herb Llewellyn reminded the Commission that there was a work session Wednesday at 4:00 p.m.

**SUGGESTED MOTION**

Commissioner Linda Clark moved to adjourn the meeting at 9:55 p.m.

Commissioner Nick Badwey seconded the motion.

Motion carried 5-0.

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City Clerk Tabitha Sharp

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Mayor Tom McKibban

**EL DORADO SPECIAL CITY COMMISSION MEETING**

**July 21, 2010**

The El Dorado City Commission met in special session on July 21, 2010 at 4:00 p.m. in the Commission Room with the following present: Mayor Tom McKibban, Commissioner Linda Clark, Commissioner Nick Badwey, Commissioner Shane Krause, Commissioner David Chapin, City Manager Herb Llewellyn, Assistant City Engineer Scott Rickard, City Finance Director Dee Anne Grunder, and City Clerk Tabitha Sharp. Absent: City Attorney Jim Murfin.

**VISITORS**

Julie Clements	El Dorado Times	El Dorado, Kansas
John Scanlon	220 E. 1st	El Dorado, Kansas
Tammy Schaffer	220 E. 1st	El Dorado, Kansas
Brad Meyer	220 E. 1 <sup>st</sup>	El Dorado, Kansas
Tom Boren	220 E. 1 <sup>st</sup>	El Dorado, Kansas
Kurt Bookout	220 E. 1 <sup>st</sup>	El Dorado, Kansas
Mary Ann Monzani	220 E. 1 <sup>st</sup>	El Dorado, Kansas
Jared Cobb	220 E. 1 <sup>st</sup>	El Dorado, Kansas

**CALL TO ORDER**

Mayor Tom McKibban called the July 21, 2010 Special City Commission meeting to order.

**BUDGET REVIEW: REVISED 2010 AND PROPOSED 2011 BUDGETS**

Director of Finance, Dee Ann Grunder presented the proposed 2011 budget which reflected a decrease of .703 mils.

Commissioner Shane Krause asked how a decrease was possible with less money coming in to the City through the mil levy.

Director of Finance, Dee Ann Grunder stated that because they knew about the lower amount prior to presenting the budget, they were able to adjust the budget to reflect that decrease.

Commissioner Linda Clark asked if there was anything that was cut that could be added in order to keep the mil levy the same.

City Manager Herb Llewellyn stated that the City staff had cut the Cost of Living Increase, some equipment from the fire department and a vehicle for engineering.

Commissioner Shane Krause stated that they could increase the Commission salary in order to attract more people to the position.

Mayor Tom McKibban asked where the AED's that were cut from the fire department budget were supposed to be placed.

City Manager Herb Llewellyn stated that they were to replace the existing ones in the fire trucks.

Commissioner David Chapin stated that the excess should be turned over to the tax payers.

Commissioner Nick Badwey stated that he would rather it be put in a fund this year to pay for something such as the general fund in order to pay for upcoming projects.

Mayor Tom McKibban and Commissioners Nick Badwey, Linda Clark and Shane Krause agreed that we should not decrease the mil levy because it would be difficult to get the tax payers to agree to an increase next year if needed. They stated that it would be better to put the money in a reserve fund that would be available for future projects.

**SEWER DEFICIT**

Director of Public Utilities, Kurt Bookout was present to discuss the future deficit the City will have to face in the sewer fund.

He stated that in addition to the debt service payments increasing, the new plant is more expensive to run and the repairs on the existing deteriorating sewer system are costing money as well.

He stated that in order to save money, they are looking into wind turbines to generate electricity for the plant. The plant is also running with 2.3 fewer people than other plants of similar size.

Director of Public Utilities, Kurt Bookout stated that there had been no increase in sewer rates since 2006. If the City were to increase the rate within the near future, it will help to maintain the sewer fund before it is depleted.

**ADJOURNMENT**

Commissioner Linda Clark moved the meeting adjourned at 5:02 p.m.

Commissioner Shane Krause seconded the motion.

Motion Carried 5-0.

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City Clerk Tabitha Sharp

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Mayor Tom McKibban

The El Dorado City Commission met in regular session on August 2, 2010 at 7:00 pm in the Commission Room with the following present: Commissioner Linda Clark, Commissioner Nick Badwey, Mayor Tom McKibban, Commissioner Shane Krause, City Manager Herb Llewellyn, and City Clerk Tabitha Sharp. Absent: Commissioner David Chapin, City Attorney Jim Murfin, and Assistant City Engineer Scott Rickard

**VISITORS**

Dee Ann Grunder	220 E. 1 <sup>st</sup>	El Dorado, Ks
Jared Cobb	220 E. 1 <sup>st</sup>	El Dorado, Ks
Julie Clements	El Dorado Times	El Dorado, Ks
Marilyn J. Shepherd	411 Marmaton Rd	El Dorado, Ks
Ruth M. Brungardt	646 Hunton Rd	El Dorado, Ks
Charlotte Knox	651 Marmaton Rd	El Dorado, Ks
Art Anderson	635 Marmaton Rd	El Dorado, KS
Bill Moorberg	Prairie Trails Golf and Dining	El Dorado, Ks
James Cook	719 Fredrick Drive	El Dorado, Ks
Dennis Yarnell	619 Marmaton Rd	El Dorado, Ks
Brad Meyer	220 E. 1 <sup>st</sup>	El Dorado, Ks
Andrew Kovar	Triplett, Woolf and Garretson, LLC	Wichita, Ks
Kevin Unrein	LakePoint	El Dorado, Ks

**CALL TO ORDER**

Mayor Tom McKibban called the August 2, 2010 City Commission meeting to order.

**INVOCATION**

The Reverend Bill Caughey, Grace Lutheran Church opened the meeting with prayer.

**PLEDGE OF ALLEGIANCE**

Bill Moorberg, General Manager at Prairie Trails Golf and Dining led the Pledge of Allegiance.

**PERSONAL APPEARANCE**

There were no personal appearances.

**PROCLAMATION**

There were no proclamations.

**PUBLIC COMMENTS**

Mayor Tom McKibban opened the floor for public comments.

Charlotte Knox, 651 Marmaton Rd, Ruth Brungardt, 646 Hunton Rd., and Art Anderson 635 Marmaton Rd. came to request access to the alley behind their houses. A storm water outlet has been placed there during the recent construction and they are unable to drive over it.

Mayor Tom McKibban asked who put the structure in.

City Manager Herb Llewellyn stated that the company doing the road work was the one that placed the structure there. They were most likely operating under the idea that the alley is actually a utility easement. The City staff will look at the structure and see what can be done about it.

**EL DORADO CITY COMMISSION MEETING  
CONSENT AGENDA**

**August 2, 2010**

1. Consider approval of the [July 19, 2010 City Commission minutes](#).
2. Consider approval of the [July 21, 2010 City Commission minutes](#).
3. Consider approval of the Appropriation Ordinance No. 07-10 in the amount of \$2,386,831.72
4. Consider the Engineer's Third & Final Pay Estimate dated June 20, 2010 on Project No. 243C, 8<sup>th</sup> Street Lift Station/Forcemain Replacement to the Contractor, Middlecreek Corporation, in the amount of \$49,603.00.
5. Consider the Engineer's Eighth & Final Pay Estimate dated June 8, 2010 on Project No. 317, Water System Improvements NW Pressure zone to the Contractor, Nowak Construction, in the amount of \$57,882.48.
6. Consider the Engineer's First Pay Estimate dated July 27, 2010 on Project No. 243D, Sanitary Sewer to serve Douglas Rd to the Contractor, Nowak Construction, in the amount of \$48,138.30.
7. Consider the Engineer's First Pay Estimate dated July 27, 2010 on Project No. 350, Resurfacing Park Ave (Arthur to Douglas) to the Contractor, Cornejo & Sons, in the amount of \$58,508.25.
8. Consider the Engineer's First Pay Estimate dated July 27, 2010 on Project No. 351, Resurfacing Skelly St (Finney to Towanda) to the Contractor, Cornejo & Sons, in the amount of \$180,265.84.
9. Consider the Engineer's First Pay Estimate dated July 27, 2010 on Project No. 353, Resurfacing Atchison (Carr to Towanda) to the Contractor, Cornejo & Sons, in the amount of \$54,512.12.

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

Commissioner Nick Badwey seconded the motion.

Motion carried 4-0.

**PROJECT NO. 357-SE QUADRANT MANDATORY SIDEWALK**

Tonight the Commission will consider setting a Public Hearing on August 16, 2010 to allow for public comment on this project. Property owners will be notified of the public hearing as well as a notice being published in the El Dorado Times prior to the meeting.

The process of initiating this project is as follows:

Tonight, August 2<sup>nd</sup> – Commission sets a public hearing date by Resolution.

Following Tonight- Letters will be sent to property owners notifying them of a Public Hearing, notification also published twice in the Times.

August 16<sup>th</sup> – Commission Holds Public Hearing for Comment

August 16<sup>th</sup> – The Commission sets out their Findings and Determinations by Resolution. Property owners may sign a protest petition within 20 days of the publication of the Findings and Determinations Resolution.

Commissioner Linda Clark moved that Resolution No. 2661, a resolution calling and providing for the giving of notice of a public hearing on the advisability of the making of a certain internal improvement in the city of El Dorado, Kansas, under the provisions of K.S.A. 12-6a01 *et seq.*, as amended and supplemented; and providing for the giving of notice of said hearing (sidewalk improvements/project no. 357).

Commissioner Shane Krause seconded the motion.

**PROJECT NO. 341 – AIRPORT APRON REHAB**

**EL DORADO CITY COMMISSION MEETING**

**August 2, 2010**

Brad Meyer, Assistant Director of Public Works, stated that bids were received and the lowest and only bid was below the Engineer’s Estimates.

Mayor Tom McKibban asked that the bids be spread on the record.

	<u>Total Bids</u>
Engineer’s Estimate-	\$1,081,766.35
Cornejo & Sons-	\$ 896,414.50

Mayor Tom McKibban asked how many requests for bids were sent out.

Brad Meyer, Assistant Director of Public Works, stated that we sent eight requests. He suspects that the reason for the low return was the difficulty of the project and the time limits imposed by the City.

Mayor Tom McKibban asked how much of the funding for the project is coming from the federal government.

Assistant Director of Public Works Brad Meyer stated that 95% was federally funded and 5% would be funded by the City of El Dorado.

Commissioner Shane Krause asked when the project would be started.

Assistant Director of Public Works Brad Meyer stated that it would begin as soon as approval was given by the Commission and be completed within 120 days.

Commissioner Nick Badwey moved that as Cornejo & Sons has submitted the lowest and best bid for project no. 341 airport apron rehab, and since their bid of \$896,414.50 was under the Engineer’s Estimate, the City Manager be directed to award the contract to said contractor providing that the company furnish the proper bonds, and meets FAA approval.

Commissioner Linda Clark seconded the motion.

Motion carried 4-0.

**EXECUTIVE SESSION**

Commissioner Shane Krause moved to recess into an Executive Session at for the purpose of discussing confidential legal matters, and to reconvene the regularly scheduled meeting in the City Commission room at 8:00 p.m.

Commissioner Nick Badwey seconded the motion.

Motion carried 4-0.

Mayor Tom McKibban reconvened the meeting at 8:00 p.m.

Commissioner David Chapin and City Attorney Jim Murfin joined the meeting at this point.

**TAXABLE INDUSTRIAL REFUNDING & IMPROVEMENT REVENUE BONDS – LAKEPOINT EL DORADO, LLC**

Andrew Kovar, Triplett, Woolf, and Garretson, LLC; presented the City Commission with a resolution to approve Butler’s County’s issuance of bonds for Lake Point El Dorado, L.L.C., for a thirty-two (32) room Assisted Living Facility. Industrial Revenue Bonds were issued in 1999 when LakePoint was purchased, this would be considered phase two of the project.

Mayor Tom McKibban, asked Dee Ann Grunder, Director of Finance if she has received the abatement information from Butler County.

Director of Finance, Dee Ann Grunder stated that she did not receive the notification until July 29, 2010.

Mayor Tom McKibban stated asked if the property would be worth less than the amount of the abatement in ten years.

Andrew Kovar stated that it would still be worth approximately four million dollars in ten years.

Mayor Tom McKibban stated that the City has requirements for tax abatement, one of which is that the abatement does not provide an unfair advantage to one company over another.

Kevin Unrein, managing partner of LakePoint approached the Commission a year ago to get approval to rezone property to commercial for the assisted living center. The project; due to financial reasons; is pending on the tax abatement from the City of El Dorado. He stated that in regards to the unfair advantage, the City of Derby provides abatements based on need, and there is a need for another facility in El Dorado.

Mayor Tom McKibban stated that he had recently seen an ad for openings at the other assisted living center in El Dorado.

Kevin Unrein stated that the trend was currently in a down cycle, but it will be going up again. The facility he runs in Augusta currently has several residents that could not find places in El Dorado, and the same is true of Wichita centers.

Mayor Tom McKibban stated that because Butler County has worked with the City in similar situations, he felt the City should do the same for them.

Commissioner Linda Clark moved that Resolution No. 2662, a resolution approving Butler County's issuance of the proposed industrial revenue bonds for LakePoint El Dorado, L.L.C. and the accompanying ad valorem property tax abatement for the bond financed facility be adopted.

Commissioner Shane Krause seconded the motion.

Motion carried 5-0.

**DISCUSSION OF SPEED LIMITS ON NORTH MAIN STREET**

The discussion at several Commission meetings and work sessions was the appropriateness of speed limits on the north portion of Main Street, both in and out of town. The issue was placed on the agenda for discussion with the Commission.

Mayor Tom McKibban has talked to people in the neighborhood who would like the speed limit reduced. The speed limit was reduced to 45 miles per hour within one mile of the school.

City Manager Herb Llewellyn stated that the issue of the rate of speed in front of the School was discussed between Kansas Department of Transportation (KDOT) and the El Dorado School Board.

Mayor Tom McKibban stated that the Superintendent of USD 490 is supportive of a reduction in the speed limit. The City needs to talk to the school more and the residents in the area.

Commissioner Shane Krause asked about the feasibility of a round-about in that area.

City Manager Herb Llewellyn stated that at this time that might not be appropriate. When a road is built going west from that intersection, it may be something that should be considered. He stated that by slowing down the speed limit, we would see an increase in accidents, but a decrease in the severity.



Mayor Tom McKibban asked if staff had suggestions yet.

City Manager Herb Llewellyn stated that this was the opportunity for staff to discuss it with the Commission.

Commissioner David Chapin asked if the changes would have to be approved by the state.

City Manager Herb Llewellyn stated that after staff come up with a proposal, a map would be sent to the Department of Transportation.

Commissioner Nick Badwey stated that he would like it to start north of the turnpike.

Commissioner Shane Krause stated that he can understand the speed limit change from 30<sup>th</sup> St. and south, but he has no problem with the speed limit north of 30<sup>th</sup> St.

City Manager Herb Llewellyn stated that we could begin the slow down at the turnpike with a 55 mph speed limit. Then a gradual transition could bring it down to 45 during the current 50 mph zone and 35 in the current 45 mph zone. Staff will write up a proposal, send it to the local district engineer, bring it to the Commission and then to the State.

Mayor Tom McKibban asked if the speed limit could be slowed down during school hours.

City Manager Herb Llewellyn stated that we could send a request to the State of Kansas.

**NEW BUSINESS – DISCUSSION ITEMS**

Commissioner David Chapin asked about putting in flashing lights at the beginning of school zones to make people unfamiliar with the City of El Dorado aware of school zones.

City Manager, Herb Llewellyn stated that Assistant Director of Public Works, Brad Meyer was working on getting prices.

Assistant Director of Public Works Brad Meyer stated that they will be the same lights as at Main St. They began pricing them last year. They will be focusing on the high traffic areas first and then phase in the other locations.

Commissioner Nick Badwey asked how long the battery on them lasts.

Assistant Director of Public Works Brad Meyer stated that because of the low voltage and consumption, they would last a long time.

Commissioner Nick Badwey reminded everyone to watch their animals and neighbors in this time to extreme heat and to vote tomorrow.

Commissioner Linda Clark expressed same concerned on watching animals and neighbors.

Commissioner Shane Krause did not have anything he wished to discuss.

Mayor Tom McKibban has received complaints about people speeding through the neighborhoods, and reminded citizens to watch for children.

**CITY MANAGER'S REPORT**

City Manager Herb Llewellyn reported that the City received \$889 in sales tax plus an additional \$20,000 in permit fees from fireworks stands in 2009.

Mayor Tom McKibban asked how many fines were assessed.

City Manager Herb Llewellyn did not have that information.

City Manager Herb Llewellyn stated that the City of Hays finance director is asking for our support to change laws on how the City invests money, asking specifically to include credit unions. The guarantees on the money invested will not change.

Mayor Tom McKibban stated that credit unions have been included in the laws passed for the finance sector making them accountable for responsible handling of our money.

Commissioner Shane Krause asked if there has been support from other cities.

Commissioner Nick Badwey stated that we needed more information about the proposal.

Commissioner David Chapin stated that we needed more information on investments.

City Manager Herb Llewellyn stated that the water fund has enough money to pay for the new generator for the water plant without borrowing. We have received bids and if we order soon, we will surpass the federal guidelines to move to a Tier four which saves us \$100,000. The low bid was \$246,500 from Cummins Diesel.

Commissioner Shane Krause asked if hydro power was being considered.

City Manager Herb Llewellyn stated that there is a place in the dam that would work, and it is something that is being worked on.

Mayor Tom McKibban has received support for the generator from citizens concerned about being able to fight fires when there is no power.

City Manger Herb Llewellyn received a letter from the Department of the Army stating that former El Dorado resident Randall Mitchell would be receiving an award. He also received a request from author Briscoe Sullivan asking for a sign in support of his work in El Dorado. Staff are currently reviewing the book and will report to the Commission.

City Manager Herb Llewellyn stated that Assistant Director of Public Works Brad Meyer was present to discuss the changes in the MUTCD.

Assistant Director of Public Works Brad Meyer stated that we had previously been operating under the 2003 edition, but have already started complying with the 2009 version. We have until 2014 to comply with the new rules on street signs, etc...

Mayor Tom McKibban stated that he witnessed a person in a wheelchair having difficulty at the intersection of Main and 6<sup>th</sup>.

Assistant Director of Public Works Brad Meyer stated that the area was not a cross walk, but we could consider putting one in.

City Manager Herb Llewellyn stated that the intersection was probably due for repairs, but we had been giving the business owners there a break after the last round of construction.

City Manager Herb Llewellyn stated that Election Day was tomorrow. He also introduced General Manager of Prairie Trails Golf and Dining Bill Moorberg.

**EXECUTIVE SESSION**

**EL DORADO CITY COMMISSION MEETING**

**August 2, 2010**

Commissioner Linda Clark moved to recess into an Executive Session for the purpose of discussing personnel and legal issues, and to reconvene the regularly scheduled meeting in the City Commission room at 10:15 p.m.

Commissioner Nick Badwey seconded the motion.

Mayor Tom McKibban reconvened the meeting at 10:18 pm

Commissioner Linda Clark moved to recess into Executive Session for 30 minutes until 10:45

Commissioner David Chapin seconded the motion.

Mayor Tom McKibban reconvened the meeting at 10:50 pm.

**SUGGESTED MOTION**

Commissioner Nick Badwey moved to adjourn the meeting at 10:50 p.m.

Commissioner David Chapin seconded the motion.

Motion carried 5-0.

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City Clerk Tabitha Sharp

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Mayor Tom McKibban

**EL DORADO CITY COMMISSION MEETING**

**August 16, 2010**

The El Dorado City Commission met in regular session on August 16, 2010 at 7:00 pm in the Commission Room with the following present: Mayor Tom McKibban, Commissioner Linda Clark, Commissioner Nick Badwey (arrived 7:34 p.m.), Commissioner David Chapin, Commissioner Shane Krause, City Manager Herb Llewellyn, City Clerk Tabitha Sharp, City Attorney Jim Murfin, Dee Anne Grunder, Finance Director, and Assistant City Engineer Scott Rickard

**VISITORS**

Lindsay Baines	El Dorado Main Street	El Dorado, KS
Phyllis Anderson	2926 W 3 <sup>rd</sup>	El Dorado, KS
Jim Anderson	2926 W 3 <sup>rd</sup>	El Dorado, KS
Cathy Cox	2902 W 3 <sup>rd</sup>	El Dorado, KS
Rick Cox	2902 W 3 <sup>rd</sup>	El Dorado, KS
Margie L. Short	2920 W 3 <sup>rd</sup>	El Dorado, KS
Charles R. Short	2920 W 3 <sup>rd</sup>	El Dorado, KS
Greg Hiebert	2912 W 3 <sup>rd</sup>	El Dorado, KS
Matt Hiebert	2912 W 3 <sup>rd</sup>	El Dorado, KS
Gayle Krause	500 S Washington	El Dorado, KS
Brad Meyer	220 E 1 <sup>st</sup> Ave	El Dorado, KS
Christine Peters	215 S. Denver	El Dorado, KS
Dilbert H. Peters	215 S Denver	El Dorado, KS
Lindsay Baines	El Dorado Main Street	El Dorado, KS
Garry VanBuskirk	1825 Hazlett	El Dorado, KS
Phyllis VanBuskirk	1825 Hazlett	El Dorado, KS
Rosemarie Richard	2720 W 3 <sup>rd</sup>	El Dorado, KS
Donald L. Richard	2720 W 3 <sup>rd</sup>	El Dorado, KS
Larry McNown	1949 Arlington	El Dorado, KS
Gerald Perez	501 W Central Ave	El Dorado, KS
Michelle Perez	501 W Central Ave	El Dorado, KS
Chaplain Mark Somerville	515 W Locust	El Dorado, KS
Jim Miller	345 Hunton Road	El Dorado, KS
Jody Garrett	729 W Ash	El Dorado, KS
Julie Hayden	729 W Ash	El Dorado, KS
Emma Miller	320 S Taylor	El Dorado, KS
Eric Wilken	403 S Star	El Dorado, KS
Darla Wilken	403 S Star	El Dorado, KS
Jack	502 Park	El Dorado, KS
Gene Knaussman	424 W. Pine	El Dorado, KS
Jack Nethercott	11232 SE 24 <sup>th</sup>	Whitewater, KS

**CALL TO ORDER**

Mayor Tom McKibban called the August 16, 2010 City Commission meeting to order.

**INVOCATION**

The Reverend Mark Somerville, Hospice Care of Kansas, opened the meeting with prayer.

**PLEDGE OF ALLEGIANCE**

Richard & Donald Adlesperger led the Pledge of Allegiance.

**PERSONAL APPEARANCE**

Richard & Donald Adlesperger of Triple A Builder’s Supply were recognized. After more than thirty years in business, Triple A Builder’s Supply is closing their business.

Garry & Phyllis VanBuskirk, who are lifetime members of the Gold Wing Road Riders of Kansas with over one million safe miles ridden, noted that their motorcycle group will be holding a State Rally on August 27<sup>th</sup> and 28<sup>th</sup>. Mr. and Mrs. Van Buskirk thanked the City Manager, City employees involved with the police, streets, electric, and sanitation, and the El Dorado Convention and Visitor's Bureau for their help in making this event possible. The public was invited to a parade Friday night and light show afterwards. On Saturday at the Civic Center, there will be an 8:30 a.m. CMA (Christian Motorcyclist's Association) service, mock motorcycle accident at 9 a.m., and bike show at noon. Members will be able to attend seminars on rider education, leadership training, and being a road captain. First aid classes taught by Red Cross instructors will be offered, and vendors will be present.

Lindsay Baines representing El Dorado Main Street noted that the Frontier Western Celebration will be held this weekend. She stated that it will be about twice the size as in the past. The celebration will begin on Thursday night with a pageant at 7:00 p.m., and will conclude around 8:00 p.m. on Sunday. About eighty barrel racers and fifty to sixty bull riders are coming from all over the state and region. A barbeque contest will also be held. The events are listed on their website, and Ms. Baines also had flyers. She provided special all-access badges for the commissioners, and thanked the City staff for their assistance.

Rick McNary of Numana, a non-profit public charity, thanked the people of El Dorado for their generosity and assistance. Numana, which began recently in El Dorado, has a mission to provide food to starving children. They originally set out to package food for forty-nine Salvation Army schools and over 49,000 children in Haiti, with only \$209.39. In just 2 ½ to 3 months, the people of El Dorado raised over \$90,000. Volunteers met at the Civic Center and packaged 285,000 meals to be sent to Haiti. Then the earthquake hit. That first container was parachuted into Haiti and was the first relief food to hit the ground after the earthquake. Once again, volunteers met at the Civic Center and packaged another 500,000 meals. Nationwide, over 120,000 volunteers have packaged over 20 million meals. Numana has not only expanded nationwide, but is now international as well. Mr. McNary said that he is often asked, "Where is El Dorado, Kansas?" He said that he responds that El Dorado is "a town of 12,000 very caring people." They thanked the City for selling Numana a warehouse in west El Dorado for one dollar so they would have a place to store the food. Work is now underway to establish that warehouse as the international headquarters for Numana. Mr. McNary presented Commissioners with awards for their assistance. A Thank You Celebration will be held on August 26<sup>th</sup>, from 6:00-8:00 p.m. in the form of an old fashioned ice cream social at East Park.

### **PROCLAMATION**

There were no proclamations.

### **PUBLIC COMMENTS**

Mayor Tom McKibban opened the floor for public comments.

Larry McNown, 949 Arlington, inquired about a batting cage at McDonald Stadium.

City Manager Herb Llewellyn noted that the City has several batting cages. The existing batting cage was damaged in storm. A more permanent one is currently under construction. A retaining wall is being built.

Mr. McNown said that the existing one has a manhole cover sticking out of the ground that needs to be leveled or moved.

Mr. McNown also asked where the "West Central Bridge" is located. He clarified that the sign around the bike trail says that if you are in the Walnut River Recreation Area, you do not have to cross the "dangerous West Central Bridge." Commissioners agreed that the sign is a misprint, and should say "East Central Bridge" instead.

**CONSENT AGENDA**

1. Consider approval of the August 2, 2010 City Commission minutes.
2. Temporary CMB License for the Frontier Western Celebration.

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

Commissioner Shane Krause seconded the motion.

Motion carried 4-0.

**ADOPTION OF THE 2011 CITY BUDGET**

DeeAnne Grunder, Finance Director, went over budget highlights, including holding the mill levy equal to last year, and a .868 decrease in receipts.

Mayor Tom McKibban opened the public hearing for comments. There were none.

**ORDINANCE NO. S-1315**

Commissioner Shane Krause moved that Ordinance No. S-1315, an ordinance attesting to an increase in tax revenues for Budget Year 2011 for the City of El Dorado, be approved, and to approve the 2011 Operating Budget and Capital Improvement Plan in the total amount of \$26,986,033, providing for an estimated mill levy of 46.997 mills and to certify the same to the County Clerk.

Commissioner Linda Clark seconded the motion.

Commissioners thanked staff for their work on the budget.

Motion carried 4-0.

**PROJECT NO. 357-SE QUADRANT MANDATORY SIDEWALKS**

Gayle Krause, 500 S. Washington, mentioned some possibly unclear wording in letters that went out property owners, and inquired as to the guidelines for which sidewalks will be replaced.

Assistant City Engineer, Scott Rickard said that the City will look for significant displacement of over an inch, trip hazards, and rubble. Some curb, gutter and driveway areas will be replaced if needed. He explained that the Bond Council requested the wording of the letters.

Mr. Krause asked if property owners will be able to meet and discuss the issue.

Mr. Rickard indicated that discussion with property owners can occur on site or in the office.

Mayor Tom McKibban opened the public hearing for comments.

James Poe, 323 W. Carr, asked if the City will be responsible for replacing sewer pipes, and who will be doing the work. He suggested using a private company.

Mr. Rickard stated that what the City damages will be replaced, and that plans are to bid the work out to a contractor.

Greg Wiley, 517 W. Olive, inquired about the sidewalks that were recently replaced when the new water line was installed.

Herb Llewellyn, City Manager, indicated that two different departments are involved, and that new sidewalks will not be replaced. He also stated that the speed is intentional to allow the ground to settle between projects.

Mr. Rickard explained that the letters to property owners were developed prior to the water project.

Jack Nethercott, 11232 SE 24<sup>th</sup> Whitewater, KS, noted that he felt that this is not a good time for this project, considering current economic times, and that the streets should be a higher priority. He suggested the proposal be put aside until an agreement is reached.

Gene Knaussman, 424 W. Pine, stated that the last time the City did the sidewalks, the new ones were worse than the old. She also felt the timing was not right, especially since money would have to be borrowed.

Jim Miller, 345 Hunton Road, asked if the curb, gutter and driveway approaches were included in street construction. He also wanted to confirm that two inches was the offset measurement for determining what would be replaced.

Mr. Rickard indicated that it depends upon the project, and that anything which is considered a trip hazard will be replaced.

Darla Wilken, 403 S. Star, inquired as to who owns the property being repaired, the property owner or the City. She expressed concern about the timing of the project due to the condition of the economy. She also asked when the money had to be paid, and how the cost was figured. She wondered if property owners would know ahead of time what will be done, and when. Ms. Wilson indicated that the sidewalk in her area was in bad condition, and wondered why it had not been replaced before now. She also wanted to know what would be done if she was not happy with the work.

Mr. Rickard indicated that the sidewalk is in the public right of way, and that the property owner is responsible for maintaining that sidewalk. He also stated that the money will be paid interest free over ten years, and that the cost was figured by taking the estimated cost divided by the square footage to determine the cost per square foot, then multiplying that by the number of square feet to be replaced. He noted that the program was offered voluntarily in the past. After the Commission's decision, letters will be sent again, and the City will go meet with the property owners to discuss specifically what will be done to their property. He indicated that the work will be done this fall over a few months, usually starting after 7:30-8:00 a.m. He also added that owners will have the option of replacing the sidewalk themselves.

City Manager Herb Llewellyn added that if residents want to replace their sidewalk, the City will remove the old one free of charge.

Commissioner Shane Krause added that the property owner is actually responsible for property to the center of the street.

David Sundgren, 840 Par Drive, asked if his property downtown on Gordy Street was included. He also asked how the cost was assessed, and if he would be assessed the same cost for two different parcels. Mr. Sundgren also indicated that he plans to put in his own sidewalk on Gordy Street, and doesn't want to have that sidewalk torn up.

Mr. Rickard said that the sidewalk on Gordy Street won't be affected because it doesn't intersect with other sidewalks, and that the cost would be assessed by section. He also indicated he'd be happy to discuss further details with Mr. Sundgren.

Ted White, 301 S. Denver, asked what was going to be done about sidewalks with roots from trees pushing up under the sidewalk. He expressed concern about not only being charged for the sidewalk, but also losing a tree. He mentioned that thirty-five years ago his property was torn up when the City put in the sewer, and that current sidewalk damage is a result of that construction. He wanted to know if the City would pay for repairs due to such

damage. He also asked if there will be an appeals process once a decision is made. Mr. White felt the letter to property owners was not very explanatory or specific.

Mr. Rickard indicated that sometimes the sidewalk can be curved around a tree to avoid removal of the tree, or the roots can be cut as deep as possible. He said that this is something that will have to be discussed with the property owner. He indicated that in the past, the City has replaced damages done due to such construction, and that the code reads that appeals go to the City Manager.

Commissioner Krause indicated that the A.D.A. requirements are less than one inch. The City is skirting that by only replacing the worst of the worst at present.

Commissioner Nick Badwey reminded residents that they can always come to the Commission with concerns.

City Manager Llewellyn said that residents can come to him with code issues as well.

Dr. Thomas Burnham, 920 S. Emporia, asked if the amount that is projected is an annual amount. He said that he does not want his sidewalk replaced because of the beauty of the old material used in the current sidewalk. Since his sidewalk is not deteriorating, but two sections were affected by previous sewer replacement, he wondered if mudjacking or other options for repairing those affected sections would be considered. He also asked why there are no sidewalks even in the new additions on the south side of town. In his neighborhood, there are only about four houses that have sidewalks. He suggested looking at zoning, such as when and where sidewalks serve the public, and when they don't. He asked if it might be better to remove sidewalks rather than replacing them.

Mr. Rickard said that the amount projected is a total amount, not annual. He said that to get the annual amount, divide the projected figure by ten.

City Manager Llewellyn said the sidewalk project was less about aesthetics and more about transportation, and reiterated that the property owners will be given the opportunity to do it themselves.

Commissioner Krause asked if Dr. Burnham would take the option of taking out his sidewalk.

Dr. Thomas Burnham replied that he would take that option because a lot of the people who walk past his house use the street anyway, not the sidewalk.

Brad Thorn, 303 N. Atchison, said that he owns property on Olive Street as well, and that the curb is worse there than anywhere in town. However, he indicated that when he had tried to get the sidewalks replaced, Josh had told him that they could not force property owners to replace the curbs. Mr. Thorn wondered why the City was able to force the project on the south side of town, but not on North Atchison Street.

Mr. Rickard said that North Atchison Street is a brick road. He said that interest was needed from homeowners as part of a street project, not sidewalk. The City does plan to do it in the future.

City Manager Llewellyn said a decision has not been made not to do it. He explained that before asking the Commission to force it, it is easier if there is a petition showing neighborhood support in doing so.

Mr. Rickard indicated that it is easier for residents to request the Commission take action through a petition.

Mayor Tom McKibban inquired about who could be sued if someone trips while walking down a sidewalk.



City Attorney Jim Murfin responded that a personal injury attorney could sue whomever they choose, including the City, landowner, or contractor.

City Manager Llewellyn said that in some courts, the City could be held responsible if they knew there was a trip hazard, or if they should have known. The City now knows of about 300 properties with trip hazards.

Commissioner Linda Clark asked if the City would be responsible if someone trips, should the majority of landowners be against the project and the issue is tabled.

Commissioner Krause asked if officially notifying the landowners that a trip hazard existed would mitigate the City's liability.

City Attorney Murfin indicated that notifying the landowner would not transfer any liability to the landowner.

Wade Wilkinson, 2410 Bridgette, asked how many more quadrants were to be done, and if sidewalk replacement could be postponed until construction on his property is completed. He also indicated that he felt notifying landowners of a trip hazard was not a good idea.

Mr. Rickard said that the City of Wichita sends a notice out notifying landowners that the sidewalk needs to be repaired, and that if it is not repaired in 60 days, the City of Wichita will repair it.

Diana Riddle, 213 S. Denver, said that she wants the sidewalks replaced. She walks dogs, and noted that only 10-15 out of 300 people have indicated any objections.

Mayor McKibban noted that he swayed both ways during the discussion, and felt the City is trying to take a proactive stance.

Commissioner David Chapin noted that he has already completed the program at his home, and is happy with it. He said that if you haven't walked those sidewalks, you don't realize that it really is better to walk in the street and avoid cars at night rather than risk tripping on the sidewalks. It also makes weeding, edging, and mowing easier.

Commissioner Clark confirmed with Mr. Rickard that sidewalks to nowhere can be torn up if not tied in to other sidewalks.

**RESOLUTION NO. 2663**

Commissioner Krause moved that Resolution No. 2663, a resolution determining the advisability of the making of certain internal improvements for the city of El Dorado, Kansas; making certain findings with respect thereto; and authorizing and providing for the making of the improvements in accordance with such findings, subject to protest (paving improvements/project no. 357), be adopted.

Commissioner Nick Badwey seconded the motion.

Motion carried 5-0.

**NORTH MAIN SCHOOL WARNING ZONE**

The Kansas Department of Transportation has installed warning signs at the intersection of Main St. and McCollum Rd. The purpose of the warning zone is to reduce the speed of traffic during the beginning and ending of school days. For the City of El Dorado to enforce the zone the City Commission must adopt the attached ordinance.

Mayor Tom McKibban inquired about changing the speed limit to 35 instead of 45. He wanted to clarify that KDOT's requirements call for signs up on every highway with a school within one mile. He expressed concern about the speed in that area. The State was asked to do a study, and he wondered how long ago that had been.

Scott Rickard, Assistant City Engineer, said that something enforceable needed to be in place now with school starting. Currently the signs state 45 M.P.H., and that with the approval of KDOT it could be changed. The State started the study in winter, and feels the speed limit is appropriate.

Herb Llewellyn, City Manager, asked if the speed limit had been discussed with the high school principal.

Mr. Rickard said that the times had been discussed with the principal, but not the speed limit itself.

Commissioner Nick Badwey stated that lowering the speed limit five miles an hour was not enough, and that the reduction in speed needs to be significant enough to make people slow down. He also indicated that this is not a design issue.

City Manager Llewellyn indicated that for the speed limit to be enforceable, legislation must be passed. If 45 M.P.H. is approved, then tickets can be written for speeding. If 35 M.P.H. is passed, the City will explain the reasoning to the State. The signs should not be changed until after receiving input from the State’s engineer.

Commissioner David Chapin suggested passing it as is, then suggesting 35 M.P.H. to the State, so tickets can begin being issued tomorrow for the 45 M.P.H. zone.

Mayor McKibban stated that he will only agree if the City can get the State on the issue quickly. He expressed disappointment with the amount of time it is taking to get a response from the State.

**ORDINANCE NO. G-1103**

Commissioner Shane Krause moved that Ordinance No. G-1103, an ordinance creating a school zone at the intersection of Main St. and McCollum Road be adopted.

Commissioner David Chapin seconded the motion.

**ROLL CALL**

	Mayor Tom McKibban	Y
Position No. 1	Commissioner Shane Krause	Y
Position No. 2	Commissioner Linda Clark	Y
Position No. 3	Commissioner Nick Badwey	Y
Position No. 4	Commissioner David Chapin	Y

Motion carried 5-0.

**NORTH MAIN SPEED LIMIT DISCUSSION**

The Speed limit on North Main Street has been discussed at length in previous meetings. At this time the Commission is asked to give staff direction on which way to move forward.

Kansas Statues, Section 9-1559, gives the Secretary of Transportation the right to establish speed limits on the State Highway System “upon the basis of an engineering and traffic investigation.” The Commission will need to request to the Secretary of Transportation that the speed limits are changed.

Speed zones in Kansas are based on the principle of setting speed limits as near as practicable to the speed at or below which 85 percent of the drivers are traveling. This method is accepted by all States, the Federal Highway Administration and most Local Agencies. The City of El Dorado conducted a speed study in 2009 and at the three locations the average speed and the 85<sup>th</sup> percentile were at or below the posted speed.

Common misconceptions with speed limits are that lowering the speed limit will slow the speed of traffic, and reducing speed limits will decrease the number of accidents.

Contrary to that perception, speed in itself is not a major cause of accidents. Accidents appear to depend less on absolute speed and more on the variations of speeds in the traffic stream.

Scott Rickard, Assistant City Engineer, stated that there are maps of where accidents occur. There have been eighteen accidents in ten years. KDOT sees citizens obeying the speed limits, and so do not feel it is an issue.

Commissioner Linda Clark noted that she understood the concern about fifteen year old drivers on North Main Street, and wondered why police officers cannot be out there every day.

Mayor Tom McKibban expressed concern about trucks coming into town early in the morning and not slowing down. He wanted to make sure that he was on record thinking about the safety of our children.

City Manager Herb Llewellyn stated that most speeders are not caught because people only speed in that area in short periods of time. The City can't afford to catch them all because there are not enough patrolmen. He added that he has not asked for more due to budget constraints. He feels there should be six officers on duty for each shift for El Dorado.

Commissioner Nick Badwey asked what the fine for speeding in a school zone was.

Jim Murfin, City Attorney, stated that it was double the normal \$84.50 fine plus court costs.

Commissioner Badwey suggested writing a few of those expensive tickets and then word would get out that speeding in that area was costly.

Commissioner Shane Krause indicated that he was in favor of the limits shown in Map 3. He agreed on the safety issue, and felt that it sets a bad precedent to have 50 mph speed limits within the city limits.

City Manager Llewellyn asked for opposition to going to the State and requesting a flashing 35 M.P.H. school zone sign.

Commissioner David Chapin stated he agrees as long as the State is OK with it. If it is about the kids, then the school zone is great, but the rest of the road is fine given the low number of accidents. He clarified that it is not a high volume of traffic, and the school zone solves the problem.

Commissioner Badwey summarized by saying that the City has the tool with the school zone being enforced, and tickets should be written.

### **PROJECT NO. 356 – PAVING 3RD**

A petition has been submitted to demonstrate that a majority of property owners in the benefit district do not wish to pave Third Avenue (Boyer to Village). Those against the project include 58.59% of the resident owners and 61.35% of the area of property owned by persons in the benefit district. The required numbers to be sufficient to protest the petition were 51% of the resident owners and over half of the area. The protest petition is sufficient. At this time the Commission can simply take no further action and the project will not go forward.

Scott Rickard, Assistant City Engineer, stated that he had received a petition on Tuesday for Third Street, but there was no protest for School Road.

Greg Hiebert, 2912 W 3<sup>rd</sup> Street, stated that houses were built on 3<sup>rd</sup> Street and School Road that were promised a paved road. He indicated that he has a rut for a road. He wanted to know what to do to get that portion of the road paved, and wondered if he would need a petition.

City Manager Herb Llewellyn confirmed that the people on the south side of the road are signed up to have it paved. He stated that if it is owner initiated through a petition, it is easier to get done.

Jim Anderson, 2926 W. 3<sup>rd</sup> Street, had no objection to doing the street as soon as possible, but he didn't want the City to come back in three years and install a sidewalk and tear everything up again.

City Manager Llewellyn clarified that new construction gets a sidewalk, but the only way to get one otherwise is to request it.

Herb Grant, 2820 W. 3<sup>rd</sup> Street, asked if School Street to Boyer Road could be patched, as the street is terrible.

Brad Meyer, Assistant Director of Public Works said the City patched out to School Street, but there was not a good road to work with there. There is the option to make it gravel until the road can be replaced, which can happen in the fall.

Matt Heibert, 2912 W 3<sup>rd</sup>, said he had concern about people walking or running and getting injured. He also felt the road was too narrow.

City Manager Llewellyn agreed, but stated that the residents are against it, so the problem is difficult to fix.

Jim Miller, 345 Hunton Road, said there had been no maintenance for ten years except for a bit of patching. He asked if the easements will be left open. He expressed concern about the neighborhood traffic increasing, and indicated that he does not want a city street, but wants road maintenance.

City Manager Llewellyn noted that easements need to be left open for utilities.

Commissioner Nick Badwey said that residents can petition for a road to be made into a city street.

Commissioner Shane Krause indicated that the residents on 3<sup>rd</sup> Street petitioned out of it, so the people from 3<sup>rd</sup> Street to Boyer Road would have to come up with their own petition.

Greg Heibert, 2912 W. 3<sup>rd</sup>, asked if the City could force the issue.

Commissioner Badwey noted that State law says the issue cannot be forced.

**STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, EDITION 2010**

The 2010 Kansas legislative session provides for certain changes in the Standard Traffic Ordinance for Kansas Cities, Edition 2010. This action incorporates certain legislative changes effective July 1, 2010. The biggest change occurred with seatbelts. Driving without being buckled up can now be a primary reason to stop a vehicle.

Commissioner Linda Clark moved that Ordinance No. G-1104, an ordinance amending Section 10.04.010 of the El Dorado Municipal Code pertaining to traffic and referencing the "Standard Traffic Ordinance for Kansas Cities Edition 2010 be passed and approved.

Commissioner David Chapin seconded the motion.

**ROLL CALL**

Position No. 4	Commissioner David Chapin	Y
	Mayor Tom McKibban	Y
Position No. 1	Commissioner Shane Krause	Y

Position No. 2	Commissioner Linda Clark	Y
Position No. 3	Commissioner Nick Badwey	Y

Motion carried 5-0.

**UNIFORM PUBLIC OFFENSE CODE, EDITION 2010**

The 2010 Kansas legislative session provides for certain changes in the Uniform Public Offense Code, Edition 2010. This action incorporates certain legislative changes effective July 1, 2010. The biggest change in this group of laws is the changes in smoking in public. The City Commission approves these actions annually.

Commissioner Linda Clark moved that Ordinance No. G-1105, an ordinance amending Section 9.04.010 of the El Dorado Municipal Code pertaining to public offenses and referencing the “Uniform Public Offense Code” Edition 2010, be passed and approved.

Commissioner Nick Badwey seconded the motion.

Position No. 3	Commissioner Nick Badwey	Y
Position No. 4	Commissioner David Chapin	Y
	Mayor Tom McKibban	Y
Position No. 1	Commissioner Shane Krause	Y
Position No. 2	Commissioner Linda Clark	Y

Motion carried 5-0.

**EXPIRATION OF THE NEIGHBORHOOD REVITALIZATION PROGRAM STIMULUS PLAN**

The City Commission approved a stimulus plan for residential development on August 1, 2009, for a 6-month period. Soon after the program was put in place, housing starts picked up. The plan was extended at the end of the period for another six months. Without additional action, the extension period will expire September 1, 2010.

The plan is a five-year tax rebate of up to \$175,000 of appraised value of residential improvements. Staff compiled the following information to illustrate new residential permits issued before and after the plan:

- January-August 2008: 20 permits (approximate time of real estate bubble burst)
- September 2008-July 2009: 6 permits
- August 2009-present: 25 permits (stimulus plan began August 1, 2009)

All taxing entities in the city limits may also approve any extension. If any entity chooses not to participate, the taxes for that entity will not be rebated.

Staff has sent emails to local builders and realtors to gain further input on the program and its possible extension.

Matt Rehder, Assistant to the City Manager, indicated that he had received several affirmative responses from Eddie Dean, Dave Sundgren, Shirley Patton, and Wade Wilkinson.

Commissioner Shane Krause was in favor of extending it a year, and persuading other entities to support it.

City Manager Herb Llewellyn stated that staff would put something together for other entities to review.

Commissioner Nick Badwey moved to extend the Neighborhood Revitalization Program stimulus plan for a period beginning September 1, 2010 to September 1, 2011.

Commissioner Krause seconded the motion.

Motion carried 5-0.

**MEMORANDUM OF AGREEMENT – SUSTAINABLE COMMUNITIES  
PLANNING GRANT**

The Regional Economic Area Partnership (REAP) has been requested and agreed to serve as the lead applicant organization for the Housing and Urban Development (HUD) \$100 million Sustainable Communities Planning Grants Program for regional planning efforts. The grants will assist regional planning organizations and consortia of local governments to integrate housing, transportation, economic development, water infrastructure and environmental planning efforts.

The end product is a regional plan for sustainable development with detailed execution plans and programs. This grant meets the tenets of Goal 9 of the Comprehensive Plan, which states the city should maximize opportunities to become a more sustainable community.

The City of El Dorado will be asked to contribute an in-kind donation of staff time of five hours per month of the City Planner for the life of the grant. The grant is for three years for a total of 180 hours of staff time. The total contribution is \$4,700 of salary and benefits. There is no financial commitment on the part of the City.

Matt Rehder, Assistant to the City Manager, stated that the goal of this committee is to provide a plan for sustainable development in REAP areas. The City will make an in-kind donation of the services of a city planner of five hours a month for three years. No financial commitment will be involved. The application is due next week. It does fit in to the comprehensive plan.

Mayor Tom McKibban wondered why the three Sedgwick County people voted against it.

Mr. Rehder summarized that it appeared to be an issue with spending at the Federal level. He said the money had already been allocated, and the City of El Dorado does not use it, someone else will. Right now the Commission is just agreeing to participate in the grant activities, should it be awarded to the City. There is no guarantee that the City will get the grant.

Herb Llewellyn, City Manager, stated that Kristi Williams, Mayor of Augusta, who is also the Chairman of REAP, emailed him asking for support.

Commissioner Nick Badwey moved to approve the Memorandum of Agreement for the Sustainable Communities Planning Grant and to authorize Mayor McKibban to sign the agreement.

Commissioner David Chapin seconded the motion.

Motion carried 5-0.

**NEW BUSINESS – DISCUSSION ITEMS**

Mayor Tom McKibban opened the floor for Commissioners' comments.

Commissioner Shane Krause stated that USD 490's long range facilities plan has been approved to go for a bond issue. It includes a new middle school and the first of three elementary schools. Issues that will need to be decided include the location of the new middle school, and how to use the old one. There is a pamphlet with information for the public. He stated that it is good for El Dorado, and he supports it.

Commissioner Linda Clark asked why the One Way sign at McCollum Road is there. She said sees students as well as adults disobeying it.

Mayor McKibban responded that it is there so tickets can be written. He said he has heard of people speeding, and the area needs to be patrolled.

City Manager Herb Llewellyn stated that staff have recognized the problem and are discussing it.

Commissioner Nick Badwey thanked NUMANA for the plaque and stated that he was sorry to miss the Adlesperger recognition, their business will be missed.

**CITY MANAGER'S REPORT**

Herb Llewellyn, City Manager, stated that donation for the animal shelter was received a couple of weeks ago from Trinity United Methodist Church for over \$100. He said that donations are received for the animal shelter fairly often, including Shirley Hogoboom's memorial contributions.

Brad Meyer, Director of Public Works, indicated that he'd like to see the money used for a reasonable spay-neuter program using local veterinarians, where all local vets would have the option to participate. He said that the staff believes it should not be about financial ability, but should benefit the animal. He added that some of the donations in the past have been used for buying literature advertising the animal shelter.

Commissioner Linda Clark felt the program should be done based on income.

Commissioner Shane Krause asked if there was a citizen advisory board for the shelter, and if Mr. Meyer felt there was a need for one. He felt an advisory board would give guidance for spending the money and also for codes, and that it might be a starting point for stricter policies.

Mr. Meyer said he would like to see what other similar cities are doing. A lot of animal control ordinance changes were enacted in 2007 to make them more suitable and easier to enforce.

Commissioner David Chapin felt it was a good idea to fund the project through donations.

City Manager Llewellyn noted that there have been more water breaks in the last few days that before and that there were thirteen breaks over the weekend.

Kurt Bookout, Director of Public Utilities, said the exact cause has not been pinpointed. He explained that the ground is getting dry, and pipes absorb water and swell, then contract. This causes pressure on the pipes, and weak spots break. An unusually high volume of water has been being pumped. Water pressure has been reduced by ten P.S.I. to be proactive, until the issue is resolved. He added that the leaks are evenly distributed throughout the city.

City Manager Llewellyn said that work continues at the American Legion. He noted that people are using the driving range, walking the path, and enjoying the facility. He added that work has been completed at Frederick Drive to stop the erosion issue. The work was done by City staff.

Commissioner Badwey asked about the expense for the track hoe.

Mr. Meyer said that a whole lot of material was hauled off, and the project was completed in about three weeks' time, which was under the original time limit. He believes not having a contractor come in saved money. He indicated that labor costs have not yet exceeded \$10,000, but there is still the erosion control planting project to go. He thought labor cost might run in the low \$20,000's. He added that the track hoe is paying for itself.

Commissioner Chapin wondered if the southwest door at the Legion was open.

City Manager Llewellyn indicated that he would check on it.

**SUGGESTED MOTION**

Commissioner Shane Krause moved to adjourn the meeting at 10:32 p.m.

Commissioner Nick Badwey seconded the motion.

Motion carried 5-0.

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City Clerk Tabitha Sharp

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Mayor Tom McKibban



**EL DORADO SPECIAL CITY COMMISSION MEETING**

**August 30, 2010**

The El Dorado City Commission met in special session on August 30, 2010, at 4:00 p.m. in the Commission Room with the following present: Mayor Tom McKibban, Commissioner Linda Clark, Commissioner Nick Badwey, Commissioner Shane Krause, Commissioner David Chapin (arrived at 4:15), City Manager Herb Llewellyn, and City Clerk Tabitha Sharp. Absent: City Attorney Jim Murfin and Assistant City Engineer Scott Rickard.

**VISITORS**

Bill Moorberg	P.O. Box 8	El Dorado, Kansas
Jared Cobb	220 E. First	El Dorado, Kansas

**CALL TO ORDER**

Mayor Tom McKibban called the August 30, 2010 Special City Commission meeting to order.

**EXECUTIVE SESSION**

Commissioner Linda Clark moved to recess into an Executive Session for the purpose of discussing personnel, land acquisition and legal issues, and to reconvene the regularly scheduled meeting in the City Commission room at 4:45 p.m.

Commissioner Nick Badwey seconded the motion.

Motion carried 4-0.

Mayor Tom McKibban reconvened the meeting at 4:45 p.m.

Commissioner Linda Clark moved to extend the Executive Session for an additional 30 minutes, and to reconvene the regularly scheduled meeting in the City Commission room at 5:15.

Commissioner Shane Krause seconded the motion.

Motion carried 5-0.

Mayor Tom McKibban reconvened the meeting at 5:15

Commissioner Linda Clark moved to extend the Executive Session for an additional 30 minutes, and to reconvene the regularly scheduled meeting in the City Commission room at 5:45.

Commissioner David Chapin seconded the motion.

Motion carried 5-0.

Mayor Tom McKibban reconvened the meeting at 5:45

**ADJOURNMENT**

Commissioner Shane Krause moved to adjourn the meeting at 5:45 p.m.

Commissioner David Chapin seconded the motion.

Motion Carried 5-0.

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City Clerk Tabitha Sharp

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Mayor Tom McKibban

The El Dorado City Commission met in regular session on September 7, 2010 at 7:00 pm in the Commission Room with the following present: Mayor Tom McKibban, Commissioner Nick Badwey, Commissioner Linda Clark, Commissioner Shane Krause, City Manager Herb Llewellyn, Assistant City Engineer Scott Rickard, City Attorney James Murfin and City Clerk Tabitha Sharp. Absent – Commissioner David Chapin.

**VISITORS**

Jim Clennan	1835 Lakeland	El Dorado, KS
Kelly Clennan	1835 Lakeland	El Dorado, KS
Shawn Knight	730 NW 34 <sup>th</sup> Street	El Dorado, KS
Alex Pennington	2320 Gentry Lane	El Dorado, KS
Robert Brunell, Jr.	202 North Orchard	El Dorado, KS
Garry Van Buskirk	1825 Hazlett	El Dorado, KS
Phyllis Van Buskirk	1825 Hazlett	El Dorado, KS
Kyle McLaren	City	El Dorado, KS
Jared Cobb	220 East First	El Dorado, KS
Rev. Bill O’Connell	First Presbyterian Church	El Dorado, KS

**CALL TO ORDER**

Mayor McKibban called the September 7, 2010, City Commission meeting to order.

**INVOCATION**

The Reverend Bill O’Connell, First Presbyterian Church, opened the meeting with prayer.

**PLEDGE OF ALLEGIANCE**

The Grandview Elementary School third grade led the Pledge of Allegiance.

**PUBLIC COMMENTS**

Garry and Phyllis VanBuskirk, 1825 Hazlett, offered thanks to the City, EMS, Chamber and CVB for making the Gold Wing Road Riders of Kansas motorcycle rally possible. The VanBuskirks shared comments from rally attendees who found the city clean, were impressed by good streets, nice neighborhoods and how well the City takes care of the parks and public buildings.

Jim Miller, 345 Hunton Road, inquired about the sidewalk replacement. He said that at the first meeting he was told the worst of the worst or anything two inches and over would be replaced. At the second meeting he was told 1 ¾ inches.

Scott Rickard, Assistant City Engineer, clarified that sidewalks that are deemed impassable and unsafe would be replaced. He indicated that he would be happy to meet and discuss the individual property.

Mr. Miller inquired about corner ramps. He asked if an unbroken ramp would have to be replaced if the sidewalk was replaced.

Mr. Rickard responded that if there are slope issues, the City has to meet the Americans with Disabilities Act regulations, and bring everything up to guidelines. Per A.D.A, all new construction will have ramps. If the existing ramp does not meet A.D.A. requirements, it will be replaced. Also, truncated domes will need to be installed when ramps are repaired.

Mr. Miller expressed concern that a citizen’s yard south of Emporia and Ash was being torn up by the sidewalk project.

Mr. Rickard responded that the work is being performed according to federal laws and guidelines.

**CONSENT AGENDA**

1. Approval of the August 16, 2010 City Commission minutes and August 30, 2010 Special City Commission minutes
2. Approval of Appropriation Ordinance 08-10 in the amount of \$1,724,451.84
3. Approval of the Engineer's First Pay Estimate dated August 25, 2010 on Project No. 243, 15" Sanitary Sewer North Main Street to the Contractor, Nowak Construction, in the amount of \$106,017.30.
4. Approval of the Engineer's Second & Final Pay Estimate dated August 25, 2010 on Project No. 350, Resurfacing Park Avenue (Arthur to Douglas) to the Contractor, Cornejo & Sons, in the amount of \$3,079.38.
5. Approval of the Engineer's Second & Final Pay Estimate dated August 25, 2010 on Project No. 351, Resurfacing Skelly Street (Finney to Towanda) to the Contractor, Cornejo & Sons, in the amount of \$9,487.68.
6. Approval of the Engineer's Second & Final Pay Estimate dated August 25, 2010 on Project No. 353, Resurfacing Atchison (Carr to Towanda) to the Contractor, Cornejo & Sons, in the amount of \$2,869.06.

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

Commissioner Krause seconded the motion.

Motion carried 4-0.

**LEAGUE OF KANSAS MUNICIPALITIES VOTING DELEGATE REGISTRATION**

The annual business meeting of the League of Kansas Municipalities will be held in Overland Park, Kansas, on October 9-12, 2010. The City is entitled to three voting delegates and three alternate delegates.

Commissioner Clark moved to appoint Herb Llewellyn, Nick Badwey, and Tom McKibban as voting delegates at the annual business meeting of the League of Kansas Municipalities and Kurt Bookout, Matt Rehder, and Tabitha Sharp as alternates.

Commissioner Shane Krause seconded the motion.

Motion carried 4-0.

**ORDINANCE TO ADOPT THE 2006 INTERNATIONAL EXISTING BUILDING CODE**

The Board of Appeals/Code Review, as appointed by the City Commission, recommends approval of the following ordinance, which would adopt the 2006 International Existing Building Code by reference with local amendments.

Mayor McKibban and Commissioner Badwey asked what the amendments are.

Building Official Kyle McLaren informed the Commission of the amendments.

Mayor McKibban asked if the Board's vote to accept was unanimous.

Mr. McLaren indicated that it was.

Commissioner Badwey inquired as to which code would be used if IEBC should contradict another code.

Mr. McLaren indicated that if something is allowed in either one, it is allowed, and this existing building code would override the other two codes.

City Manager Herb Llewellyn added that this code would probably be less restrictive, but generally allows a building owner and their design professional to provide solutions to problems and propose alternative methods to City staff.

Commissioner Krause clarified it is more user friendly to remodel existing buildings without sacrificing safety.

Commissioner Badwey asked what the IEBC requirements are for smoke alarms.

Mr. McLaren stated the code does not address fire alarms, so individuals should refer to the other code. This code is addresses design.

Mayor McKibban suggested the issue be tabled until the Commission can thoroughly review the changes.

The Commissioners agreed to table the issue until the next meeting.

**MECHANICAL CODE REGARDING DUCTWORK IN CRAWLSPACES**

The Board of Appeals/Code Review, as appointed by the City Commission, recommends the adoption of the following ordinance, which would amend the mechanical code to state insulated ductwork is not required in crawlspaces below conditioned spaces.

Mr. McLaren said the code now states: "Ducts or plenums located in unconditioned crawl spaces below conditioned spaces are not required to be insulated." He explained it pertains to heating and air conditioning systems under houses.

**ORDINANCE NO. G-1106**

Commissioner Krause moved that the recommendation of the Board of Appeals/Code Review be accepted and that Ordinance No. 1106 be approved.

Commissioner Badwey seconded the motion.

**Roll Call**

Position No. 4	Commissioner David Chapin	Absent
	Mayor Tom McKibban	Y
Position No. 1	Commissioner Shane Krause	Y
Position No. 2	Commissioner Linda Clark	Y
Position No. 3	Commissioner Nick Badwey	Y

**CONTRACTOR’S LICENSE REQUIREMENTS**

The Board of Appeals/Code Review, as appointed by the City Commission, recommends the adoption of the following ordinance, which would amend Chapter 15.03 of the City of El Dorado Municipal Code. Currently, plumbing, mechanical and electrical tradesmen who have failed a re-test have a six-month waiting period between exam sponsorship. This ordinance would remove this waiting period.

Mr. McLaren indicated the waiting period is not required by state statutes.

Commissioner Krause asked if this was unique to El Dorado, Kansas.

Mr. McLaren indicated that some, but not many, cities require it. If a tradesman goes to another city and passes the test, he or she will be able to get sponsored.

Commissioner Krause confirmed it is the tradesman’s license, not the contractor’s business license.

**ORDINANCE NO. G-1107**

Commissioner Krause moved that the recommendation of the Board of Appeals/Code Review be accepted and that Ordinance No. G-1107 be approved.

Commissioner Clark seconded the motion.

**Roll Call**

Position No. 3	Commissioner Nick Badwey	Y
Position No. 4	Commissioner David Chapin	Absent
	Mayor Tom McKibban	Y
Position No. 1	Commissioner Shane Krause	Y
Position No. 2	Commissioner Linda Clark	Y

**NEW BUSINESS – DISCUSSION ITEMS**

Mayor McKibban opened the floor for Commissioners’ comments.

Commissioner Badwey stated the 500-600 block of North Haverhill looks good.

Commissioner Krause stated he thinks there is a flash flood warning for tomorrow and asked residents to take precautions.

**CITY MANAGER’S REPORT**

**NEIGHBORHOOD REVITALIZATION PLAN**

City Manager Herb Llewellyn indicated that he had heard from Butler Community College, Butler County and USD 490 about the Neighborhood Revitalization Plan. Butler County Community College is planning a work session to discuss next Tuesday at 6:00 p.m., and Butler County will discuss it next Tuesday at 9:00 a.m. USD 490 is not sure when they will discuss. He had not heard from the Circle School District.

Commissioner Badwey asked when the plan expired.

Mr. Llewellyn indicated it expired September 1<sup>st</sup>, but would be retroactive if reinstated.

**REACTOR**

Mr. Llewellyn stated the reactor arrived at Frontier Refinery over the weekend. It is either the biggest or second biggest thing ever shipped by rail in the world.

**TASERS**

Mr. Llewellyn stated he would like to give the Commission the opportunity to comment on the addition of a taser to the police arsenal. He explained the benefits. The drawback is the risk of injury due to fall, which is the worst issue most often reported. Mr. Llewellyn stated he has read studies on the decrease in officer injuries, which convinced him that tasers are a good option. He added that officers must be trained on the use of tasers, they must be used properly, and deployed according to policy.

Commissioner Clark asked if all officers would have a taser.

Mr. Llewellyn responded that only half a dozen officers would get tasers initially, but training would be provided to everyone. Officers would carry tasers on a volunteer basis. He added that with tasers, officers have two non-lethal methods with which to defend themselves.

Commissioner Clark asked how long it takes to recover from being tased.

Mr. Llewellyn answered it only takes three minutes to recover.

Commissioner Krause added that it was about long enough for the person to be handcuffed.

Mayor McKibban stated that if City Manager Llewellyn and Police Chief Tom Boren believe tasers would be beneficial, then he is in favor of them as well.

City Manager Llewellyn added Chief Boren has expressed concern that since surrounding jurisdictions have them, it could reflect negatively on the City of El Dorado should a court case arise in which officers had to use an asp or firearm and caused permanent damage to an individual.

Commissioner Krause indicated he felt it would be a valuable tool for the police department. He also mentioned that in instances in the emergency room where pepper spray has been used, the whole emergency room is affected, not just the person who was sprayed.

Commissioner Nick Badwey stated he is also in favor.

### **PROTEST PETITION – THIRD AVENUE PROJECT**

City Manager Llewellyn stated the protest petition pertaining to the Third Street project had enough signatures to cause the project to be stopped at the last meeting. After the petition was submitted to the City, a couple of residents who were in favor of the project asked if they could confirm that everyone who initially signed still wanted their signatures on the protest petition. Subsequently, eight property owners requested that their signatures be removed, which brought the number of signatures below the number required to stop the project. He stated that the protest petition failed, and the project will go forward. Mr. Llewellyn also stated no City employee was involved in any way other than to answer questions.

Commissioner Badwey suggested contacting residents to confirm signatures next time.

Mr. Llewellyn suggested there be a discussion about the process.

### **EXECUTIVE SESSION**

This item is for the purpose of discussing non-elected personnel and legal issues.

Commissioner Krause moved to recess into an Executive Session for the purpose of discussing non-elected personnel and legal issues, and to reconvene the regularly scheduled meeting in the City Commission room at 8:15 p.m.

Commissioner Badwey seconded the motion.

Motion carried 4-0.

Mayor McKibban reconvened the meeting at 8:15 p.m.

Commissioner Clark moved to extend the Executive Session and to reconvene the regularly scheduled meeting in the City Commission room at 8:35 p.m.

Commissioner Badwey seconded the motion.

Motion carried 3-0 (Commissioner Krause remained in the conference room).

Mayor McKibban reconvened the meeting at 8:40 p.m.

Commissioner Badwey moved to adjourn the meeting at 8:40 p.m.

Commissioner Krause seconded the motion.

Motion carried 4-0.

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City Clerk Tabitha Sharp

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Mayor Tom McKibban



The El Dorado City Commission met in regular session on September 20, 2010 at 7:00 pm in the Commission Room with the following present: Mayor Tom McKibban, Commissioner Nick Badwey, Commissioner David Chapin, Commissioner Linda Clark, Commissioner Shane Krause, City Manager Herb Llewellyn, Assistant City Engineer Scott Rickard, City Attorney James Murfin and City Clerk Tabitha Sharp.

**VISITORS**

Chaplain Mark Summerfield	515 W. Locust	El Dorado, KS
Brad Meyer	220 E. 1 <sup>st</sup> Ave.	El Dorado, KS
Kyle McLaren	220 E. 1 <sup>st</sup> Ave.	El Dorado, KS
Brian & Kala McLaren	220 E. 1 <sup>st</sup> Ave.	El Dorado, KS
Justin Parsons	220 E. 1 <sup>st</sup> Ave.	El Dorado, KS
Jessica Seibel	El Dorado Times	El Dorado, KS

**CALL TO ORDER**

Mayor McKibban called the September 20, 2010, City Commission meeting to order.

**INVOCATION**

Chaplain Mark Summerfield, Hospice Care of Kansas, opened the meeting with prayer.

**PLEDGE OF ALLEGIANCE**

The Grandview Elementary School third grade led the Pledge of Allegiance.

**PUBLIC COMMENTS**

Mayor McKibban opened the floor for public comments. There were none.

**CONSENT AGENDA**

Approval of the September 7, 2010 City Commission minutes.

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

Commissioner Krause seconded the motion.

Motion carried 5-0.

**ORDINANCE NO. G1108 – 2006 INTERNATIONAL BUILDING CODE**

The Board of Appeals/Code Review, as appointed by the City Commission, recommends the adoption of the following ordinance, which would adopt the 2006 International Existing Building Code by reference with local amendments. The 2006 International Existing Building Code is a stand-alone code that would effectively replace Chapter 34 of the 2006 International Building Code titled Existing Structures and portions of Appendix J titled Existing Buildings and Structures of the 2006 International Residential Code.

Herb Llewellyn, City Manager, indicated that the section concerning the City’s ability to turn off utilities had been removed.

Mayor McKibban questioned the removal of the salvaging section.

Kyle McLaren, Building Official, clarified that the salvaging section is in reference to the funds received from salvageable materials.

Commissioner Clark inquired about the time limit for completing a remodeling project.

Mr. McLaren indicated that the project could continue as long as there is progress being made; however, the new code does give him the right to put a time limit on it.

Commissioner Clark also inquired as to whether a building permit is required to move a structure from one location to another.

Mr. McLaren indicated that a move permit is available which allows 60-90 days for the structure to be anchored on a permanent foundation. A building permit for the new location is also required.

Commissioner Shane Krause asked if the code addressed the condition of the lot after a house is moved.

Mr. McLaren indicated that the lot condition would fall under a demolition permit.

Commissioner Chapin inquired about the rules pertaining to using salvaged lumber from an old house in a new structure.

Mr. McLaren indicated usually flooring is not a problem, but anything structural, such as joists, is tough because of the grades of lumber required. As long as it is a non-load bearing wall, it probably wouldn't be a problem.

**ORDINANCE NO. G-1106**

Commissioner Clark moved that the recommendation of the Board of Appeals/Code Review be accepted and that Ordinance No. G1108 be approved.

Commissioner Badwey seconded the motion.

**Roll Call**

	Mayor Tom McKibban	Y
Position No. 1	Commissioner Shane Krause	Y
Position No. 2	Commissioner Linda Clark	Y
Position No. 3	Commissioner Nick Badwey	Y
Position No. 4	Commissioner David Chapin	Y

**NEW BUSINESS – DISCUSSION ITEMS**

Mayor McKibban opened the floor for Commissioners' comments.

**YOUTH COMMISSION**

Commissioner Chapin stated that youth commission members were present and that they will have some activities coming up a bit later in the month.

**PROPERTY COMPLIANCE**

Commissioner Chapin also mentioned at two-story structure at Washington Street and Olive Street that has been under construction for a long time. He indicated that he had a discussion with a nearby resident who felt the property was an eyesore.

Mr. Llewellyn stated that a letter to mow was issued but never picked up. He said that he was told the property had been mowed today. Mr. McLaren had requested that the structure be torn down. The owner's request for an extension from the Board of Adjustment was denied and he was given 60 days to tear it down.

Commissioner Chapin expressed concern for the property owner, but felt the City should also keep the best interests of the neighborhood in mind.

Mr. McLaren stated that the owner does not want to tear it down, and he would like more time to complete repairs.

**BOYER ROAD CONSTRUCTION**

Commissioner Badwey inquired as to the status of Boyer Road.

Scott Rickard, Assistant City Engineer, explained that Boyer Road had been surfaced this week. It will be seeded next week, and striped. He indicated that it should be open next week.

Mr. Llewellyn asked if a ribbon cutting should be planned.

Mayor McKibban, as well as Commissioners Badwey and Chapin, felt it would be a good idea. Commissioners Clark and Krause did not feel a ribbon cutting was necessary. It was determined that a short ribbon cutting will be planned.

**BADWEY FAMILY**

Commissioner Badwey thanked everyone for the kind thoughts and deeds during the difficult time of his mother's passing.

Commissioners each offered condolences to the Badwey family.

**CAR SHOW**

Commissioner Krause said that the car show this past weekend had a good turnout.

Mayor McKibban agreed that the car show was nice.

**CITY MANAGER'S REPORT**

**NEW CEMETERY BUILDING**

Mr. Llewellyn explained that when Richard Porter worked for the City, he envisioned building a maintenance shop/cemetery office at Sunset Lawns. A space was reserved for this purpose. The present building was destroyed in a storm last year. He would like to consider rebuilding on the reserved space.

Commissioner Clark asked if City staff would be doing the work.

Mr. Llewellyn replied that the work will likely be contracted out.

Brad Meyer, Assistant Director of Public Works, clarified that insurance funds from the damaged building would be used. It would be a central location for equipment for the cemeteries and for public contact. The reserved space is on the north side of the traffic way, near the west edge of the cemetery.

Commissioner Chapin inquired as to the size of the building.

Mr. Meyer indicated that the size would be 30' x 60', and would be tastefully built.

Commissioner Badwey asked if the building would be of sufficient size to include vehicles.

Mr. Meyer clarified that there was only a limited amount of insurance money with which to work. He added that the current specifications do not include space for vehicles, but City staff will obtain an estimate for a building of sufficient size. He added that signs will be placed at the other cemeteries to direct people to the new office.

**EXECUTIVE SESSION**

This item is for the purpose of discussing non-elected personnel and legal issues.

Commissioner Krause moved to recess into an Executive Session for the purpose of discussing non-elected personnel and legal issues, and to reconvene the regularly scheduled meeting in the City Commission room at 7:50 p.m.

Commissioner Clark seconded the motion.

Motion carried 5-0.

Mayor McKibban reconvened the meeting at 7:52 p.m.

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

Commissioner Krause seconded the motion.

Motion carried 5-0.

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City Clerk Tabitha Sharp

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Mayor Tom McKibban

**EL DORADO SPECIAL CITY COMMISSION MEETING**

**October 6, 2010**

The El Dorado City Commission met in special session on October 6, 2010, at 3:30 p.m. in the Commission Room with the following present: Vice Mayor David Chapin, Commissioner Linda Clark, Commissioner Nick Badwey, Commissioner Shane Krause, City Manager Herb Llewellyn, Assistant City Engineer Scott Rickard, and City Clerk Tabitha Sharp. Absent: Mayor Tom McKibban and City Attorney Jim Murfin.

**VISITORS**

Julie Clements	El Dorado Times	El Dorado, Kansas
Kurt Bookout	220 E. 1 <sup>st</sup>	El Dorado, Kansas
Jared Cobb	220 E. 1 <sup>st</sup>	El Dorado, Kansas
Matt Rehder	220 E. 1 <sup>st</sup>	El Dorado, Kansas

**CALL TO ORDER**

Vice Mayor David Chapin called the October 6, 2010 Special City Commission meeting to order.

**CONSENT AGENDA**

Approval of the September 20, 2010 City Commission minutes.

Approval of the Appropriation Ordinance 09-10 in the amount of \$1,327,128.56.

Approval of the Engineer’s Second & Final Pay Estimate dated September 22, 2010, on Project No. 243D, Sanitary Sewer to serve Douglas Road to the Contractor, Nowak Construction, in the amount of \$7,273.70.

Approval of the Engineer’s First & Final Pay Estimate dated September 23, 2010, on Project No. 352, 2010 Residential Sidewalk Program to the Contractor, Barkley Construction, in the amount of \$28,820.37.

Approval of the Engineer’s Second Pay Estimate dated September 27, 2010, on Project No. 243, 15” Sanitary Sewer N. Main Street to the Contractor, Nowak Construction, in the amount of \$75,190.32.

Commissioner Linda Clark moved that eh Consent Agenda, as presented, be approved.

Commissioner Nick Badwey seconded the motion.

Motion passed 4-0.

**UPDATE ON ENVIRONMENTAL ASSESSMENT FOR WIND TURBINE**

Director of Public Utilities, Kurt Bookout, presented an update on the environmental assessment currently underway at the water plant. This update is a requirement of the environmental assessment, so that all interested parties may be informed of the progress.

Mr. Bookout stated that the environmental assessment was going well and once it has been completed, the City of El Dorado will receive a \$250,000 grant from the Department of Energy. The Department of Energy is the agency paying for the assessment.

Vice Mayor David Chapin asked about the cost for the entire wind turbine project.

**EL DORADO SPECIAL CITY COMMISSION MEETING**

**October 6, 2010**

Mr. Bookout stated that the project would be about \$2,000,000.00. He also stated that the turbine was designed to supply 98 percent of the electricity needed for the water plant on an average day. On days where the wind speed is higher, the excess wind energy may be available for sale by the City of El Dorado.

Mr. Bookout stated that the wind turbine would last approximately 20 to 25 years.

City Manager Herb Llewellyn stated that if the City of El Dorado deemed the wind turbine a good investment, the City would see a return on the investment of approximately \$50,000.00 a year within the first year of operation.

**PROJECT # 357 - SE QUADRANT RESIDENTIAL SIDEWALKS**

Bids were received for the Southeast Quadrant Residential Sidewalk Program and the low bids were below the Engineer’s Estimates.

**BIDS RECEIVED**

Mayor asked that the bids be spread on the record.

	<u>Total Bids</u>
Engineer’s Estimate-	\$127,606.25
Barkley Construction-	\$117,998.45
Bryant & Bryant-	\$132,281.00
Cornejo & Sons-	\$133,548.00
Surface Protection Services-	\$136,639.00

Assistant City Engineer Scott Rickard stated that Barkley Construction provided the lowest bid of \$117,998.45 for the sidewalk replacement program. He also stated that he has met with a few property owners who will be replacing their own sidewalks, they have been removed from the project. The City will continue with the offer to remove the old sidewalk debris for free.

Commissioner Nick Badwey asked about the procedure for addressing property owners who do not replace their sidewalks correctly.

Mr. Rickard stated that each property owner will have to meet the City’s specifications. Once they have set up the forms for their sidewalk, they have been asked to call the City so that we may look at it before the sidewalk is poured.

Commissioner Shane Krause asked if property owners were responsible for ramps at the street corners.

Mr. Rickard stated that the ramps were the responsibility of the City.

Vice Mayor David Chapin asked if residents who do their own sidewalks would be required to follow specifications on concrete finishing.

Mr. Rickard stated that residents would only be following specifications on height and levelness.

Commissioner Krause asked if Barkley Construction would be starting immediately.

Mr. Rickard stated that they would begin immediately.

Commissioner Nick Badwey moved that as Barkley Construction has submitted the lowest and best bid for Project No. 357 SE quadrant residential sidewalks, and since their

**EL DORADO SPECIAL CITY COMMISSION MEETING**

**October 6, 2010**

bid of \$117,998.45 was under the Engineer’s Estimate, the City Manager be directed to award the contract to said contractor providing that the company furnish the proper insurance.

Commissioner Shane Krause seconded the motion.

Motion passed 4-0.

**PROJECT # 347 – NORTH MAIN SIDEWALK (12<sup>TH</sup> TO POST)**

Bids were received on the North Main Sidewalk project, and the low bids were below the Engineer’s Estimates.

**RECEIVING THE BIDS**

Mayor asked that the bids be spread on the record.

	<u>Total Bids</u>
Engineer’s Estimate-	\$141,419.53
Bryant & Bryant-	\$ 98,974.78
Barkley Construction-	\$107,000.00
Cornejo & Sons-	\$111,320.30
APAC-Kansas-	\$156,394.53
Surface Protection Services-	\$164,788.23

Assistant City Engineer Scott Rickard stated that this project is funded through excess sales tax monies. There is \$150,000 set aside for the project, and the lowest bid, from Bryant and Bryant, came in at \$98,974.78.

Commissioner Linda Clark asked how the City will build the sidewalk around the overpass.

Mr. Rickard stated that the sidewalk would go under the overpass.

Commissioner Clark asked when the project would begin.

Mr. Rickard stated that weather permitting; it would begin in mid November and be completed before spring.

Commissioner Shane Krause moved that as Bryant & Bryant has submitted the lowest and best bid for Project No. 347 N. Main sidewalk (12<sup>th</sup> to Post), and since their bid of \$98,974.78 was under the Engineer’s Estimate, the City Manager be directed to award the contract to said contractor providing that the company furnish the proper insurance.

Commissioner Linda Clark seconded the motion.

Motion passed 4-0.

**TEMPORARY NOTES – PROJECT NO. 310**

Funding is needed for Project No. 310, paving Boyer and 6<sup>th</sup> (Central to Metcalf). Staff requests temporary notes in the amount of \$2,000,000.00 to finance the project.

Commissioner Shane Krause asked about the temporary financing.

Mr. Rickard stated that the temporary financing would be used until the 2012 bond, at which time it would become permanent and remain until the special assessments to property had been paid.

**EL DORADO SPECIAL CITY COMMISSION MEETING**

**October 6, 2010**

Commissioner Linda Clark moved that Resolution No. 2664, a resolution relating to the issuance of Temporary Note No. 1882 for Project No. 310, be adopted.

Commissioner Nick Badwey seconded the motion.

Motion passed 4-0.

**ADJOURNMENT**

Commissioner Linda Clark moved the meeting adjourned at 4:57 p.m.

Commissioner Shane Krause seconded the motion.

Motion Carried 4-0.

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City Clerk Tabitha Sharp

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Mayor Tom McKibban



The El Dorado City Commission met in regular session on October 18, 2010 at 7:00 pm in the Commission Room with the following present: Mayor Tom McKibban, Commissioner David Chapin, Commissioner Linda Clark, Commissioner Shane Krause, Assistant City Engineer Scott Rickard, City Attorney James Murfin and City Clerk Tabitha Sharp. City Manager Herb Llewellyn and Commissioner Nick Badwey were absent.

**VISITORS**

Jonathan Brickley	New Life Church	El Dorado, KS
Kent Bush	222 Wiley	Augusta, KS
Leon Leachman	1103 Rim Rock	El Dorado, KS
Amanda Bunn	2429 Weber Ct.	El Dorado, KS
Kim McCune	Haverhill Rd.	El Dorado, KS
Jennifer Brown	929 Skyview Dr.	El Dorado, KS
Sue Givens	1230 Prairie View Rd.	El Dorado, KS
Karla King	1976 Hazlett St.	El Dorado, KS
Tammy Fellers	2034 Chelsea Dr.	El Dorado, KS
Amy Clites	1690 Chelsea Dr.	El Dorado, KS
Breck Towner	1010 McCollum Rd.	El Dorado, KS
Kristi Towner	1010 McCollum Rd.	El Dorado, KS
Ridge Towner	1010 McCollum Rd.	El Dorado, KS
Brittan Towner	1010 McCollum Rd.	El Dorado, KS
David Wagner	1025 Rimrock Rd.	El Dorado, KS
Stan Ruff	915 Rimrock Rd.	El Dorado, KS
Doug Jensen	1705 Post Ct.	El Dorado, KS
Julie Jensen	1705 Post Ct.	El Dorado, KS
Linda Johnson	105 Post Rd.	El Dorado, KS
Shane Hatfield	516 Pine St.	El Dorado, KS
Charlene D. Ogle	1410 N. Taylor St.	El Dorado, KS
Dacia Young	1751 Lakeland	El Dorado, KS
Miles Harvey	2774 S.E. 12 <sup>th</sup> St.	El Dorado, KS
Jim Waugh	301 S. Star St.	El Dorado, KS
Scott Ennis	1230 Glenview Dr.	El Dorado, KS
Wanda Stewart	1313 Glenview Dr.	El Dorado, KS
Bobbi Eaton	626 S. Topeka	El Dorado, KS
Tom Storrer	1330 Glenview Dr	El Dorado, KS
Bryce Barkus	609 Random Rd.	El Dorado, KS
Rod Leuhrs	1735 Candace	El Dorado, KS
Dee Anne Grunder	220 E. First Street	El Dorado, KS
Brad Meyer	220 E. First Street	El Dorado, KS
Norm Wilks	1320 E. McCollum	El Dorado, KS
Dan Ingalls	124 W. Central	El Dorado, KS
Kevin House	124 W. Central	El Dorado, KS
Dave Sundgren	840 E. Par Drive	El Dorado, KS
Mary Martha Good	909 Skyview Drive	El Dorado, KS

**CALL TO ORDER**

Mayor McKibban called the October 18, 2010, City Commission meeting to order.

**INVOCATION**

Jonathan Brickley, New Life Church, opened the meeting with prayer.

**PLEDGE OF ALLEGIANCE**

Kathy Shum’s third grade class from Grandview Elementary School led the Pledge of Allegiance.

**PERSONAL APPEARANCE**

Dave Sundgren and Dan Ingalls gave a presentation entitled “Vote Yes” on a USD #490 Bond Referendum. If approved by the voters on November 2, 2010, the middle school will be constructed on a 40-acre site on North Topeka.

Commissioner Linda Clark asked if the school owns the land.

Mr. Ingalls explained that the school has the option to purchase the land.

**PROCLAMATION**

Sue Givens, USD#490 Superintendent of Schools, explained that the El Dorado Character Council and El Dorado Middle School will host an event where students will wear the pillar colors representing various character traits and encircle the school with a paper chain symbolizing how character unites a community.

Mayor Tom McKibban read a proclamation proclaiming October 17 -23, 2010 National Character Counts Week.

**PUBLIC COMMENTS**

Mayor McKibban opened the floor for public comments. There were none.

**CONSENT AGENDA**

Approval of the October 6, 2010 City Commission minutes.

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

Commissioner Krause seconded the motion.

Motion carried 4-0.

**GENERAL OBLIGATION BOND SALE**

Finance Director Dee Anne Grunder stated the sale of General Obligation Bonds in the amount not to exceed \$2,205,000 provides long-term funding for fourteen capital improvement projects in the City. The following resolution sets the sale date as Monday, November 1, 2010.

**RESOLUTION NO. 2665**

Commissioner Krause moved to approve Resolution No. 2665, a resolution of the City of El Dorado, Kansas, authorizing and providing for the public sale of the City’s General Obligation Bonds, Series 2010, in an amount not to exceed \$2,205,000; setting forth the details of said public sale; and proving for the giving of notice thereof.

Commissioner Clark seconded the motion.

Motion carried 4-0.

**PETITIONS – NW EL DORADO INDUSTRIAL PARK**

Assistant City Engineer Scott Rickard stated petitions for the waterline extensions, sanitary sewer, and streets to serve the NW El Dorado Industrial Park have been received.

Tabitha Sharp, City Clerk, reported to the Commission that the petition for the construction projects, signed by owners is sufficient for Project No. 342A, 342B, 342C.

Commissioner Shane Krause inquired as to how the projects will be funded.

Scott Rickard, Assistant City Engineer, explained that project 342A will be funded by EDA Grant Funding and BG & Barton Special Assessments, project 342B will be funded by EDA Grant Funding, Barton, BG, and the City, and project 342C will be funded by Barton, BG, the City, and Pioneer Balloon.

**RESOLUTION NO. 2666**

Commissioner Badwey moved, in confirming the contracts in place with Dondlinger & Sons, that Resolution No. 2666, a resolution determining the advisability of the making of certain internal improvements in the City of El Dorado; making certain findings with respect thereto; and authorizing and providing for the making of the improvements in accordance with such findings (waterline improvements/project no. 342A).

Commissioner Clark seconded the motion.

Motion carried 4-0.

**RESOLUTION NO. 2667**

Commissioner Clark moved, in confirming the contracts in place with Dondlinger & Sons, that Resolution No. 2667, a resolution determining the advisability of the making of certain internal improvements in the City of El Dorado; making certain findings with respect thereto; and authorizing and providing for the making of the improvements in accordance with such findings (sanitary sewer improvements/project no. 342B).

Commissioner Krause seconded the motion.

Motion carried 4-0.

**RESOLUTION NO. 2668**

Commissioner Krause moved, in confirming the contracts in place with Dondlinger & Sons, that Resolution No. 2668, a resolution determining the advisability of the making of certain internal improvements in the City of El Dorado; making certain findings with respect thereto; and authorizing and providing for the making of the improvements in accordance with such findings (street improvements/project no. 342C).

Commissioner Clark seconded the motion.

Motion carried 4-0.

**EL DORADO LAKE WATER MODELING STUDY**

Kurt Bookout, Director of Public Utilities, introduced the El Dorado Lake Water Modeling Study to the Commission. Mr. Bookout explained that due to the recent preliminary discussions with the City of Wichita concerning the feasibility of the sale of water to Wichita, staff believed it was prudent to contact the Kansas Water Office so that they may provide the City information on the true yield of El Dorado Lake, if in fact the City does chose to utilize more lake storage and sell water to the City of Wichita.

Mr. Bookout reviewed the information contained in the Commission agenda item as well as a Power Point presentation. Mr. Bookout made the following comments related to the presentation:

- The assumptions are that these water models are based on 50 more years of sedimentation.
- In the Oasis Accuracy & Calibration graph presented, there are two areas where the graph does not accurately model what the lake levels did historically. One event

happened around 1996-1997, when the KDWP did a draw down to increase shoreline vegetation creating a fish habitat, and the other was a draw down in 2004 to help control zebra mussels.

- The second graph, outlining historic draught events, shows that over a 60-year period there were approximately a dozen drought events where the City would not have been able to sell water at the 30-40 MGD level due to lake levels falling below the conservation level.
- El Dorado would only sell water when levels would permit. This would serve the City of Wichita well as a water customer with respect to their usage patterns. Wichita currently gets its water from Cheney Lake and the equus beds. They have currently spent roughly \$300 million dollars for Phase I & II of their project on infrastructure just to produce 10 MGD to inject back into the equus beds which would be used for periods of drought. If Wichita were to purchase water from El Dorado, when they had the need and the City had it available, Wichita would avoid taking water from their equus beds allowing them to preserve that water for periods of drought.
- If there were to be concerns on whether El Dorado could sell this water, right now the City is using 9MGD per day which includes the City's usage, the refinery's use of 4-4.5 MGD, water to the Rural Water Districts and the City of Augusta, who in turn sells it to Sedgwick III and the City of Mulvane.
- The City could include language in the contract with Wichita that provides the City control on the span of time/quantity of water sold so as to have available water resources for any new industry that may come to El Dorado with a high water demand.

Commissioner Krause stated that there could be the possibility of Wichita attracting an industry due to available water supplies that come from El Dorado, ultimately taking that industry away from our city. He suggested adding wording in the contract with Wichita that would address this. Mr. Bookout stated that could be done, but added that Wichita currently has the water capacity to service potential new industries.

Mr. Bookout stated he has recently done calculations with the scenario of selling Wichita 30 million gallons a day @ \$2.60 a thousand. The gross revenue is approximately \$23,000,000 per year with capital cost payments at \$4,000,000 and another \$4,000,000 in O&M, and therefore the City would be looking at net profits of approximately \$15,000,000 a year.

Commissioner Krause asked if any users currently take water out of the Walnut River that has flowed downstream from El Dorado Lake. Mr. Bookout replied that he is not aware of any other downstream users.

Mr. Bookout reviewed the added benefits of drawing down the lake water in the winter. In the spring this provides the space for seasonal rains. This in turn alleviates the need for the U.S. Army Corps of Engineers having to quickly release water to bring the lake down to the conservation level.

The Commission thanked Mr. Bookout for the information.

### **SPECIAL USE PERMIT TO ALLOW AN APARTMENT ABOVE AN ACCESSORY STRUCTURE – 311 N. STAR**

Matt Rehder, Assistant to the City Manager, explained that the Special Use Permit application came about due to the applicant, John Provorse, inquiring about the process/requirements for a building permit for work that had already begun. In the process of inquiry, staff realized that the current use as an apartment was grandfathered. However, since the structure has been vacant for a year, the grandfather clause has since expired and any new use not allowed by the current zoning regulations would need to apply for a Special Use Permit.

Mr. Rehder reviewed the findings of the Planning Commission.

Commissioner Clark inquired as to whether the alley behind the garage is currently being used. Mr. Rehder explained that it is being used, but the applicant will need to address the

narrow width of the driveway that separates 311 N. Star from 307 N. Star. The applicant will need to use the alleyway access, and it would need to be brought up to code.

**ORDINANCE NO. G-1109**

Commissioner Clark moved that the recommendation of the Planning Commission to approve Case No. 10-005-SUP requesting a Special Use Permit to allow an apartment above an accessory structure on property located at 311 N. Star be approved for reasons stated in the staff report and heard at the public hearing, and that Ordinance No. G-1109 be approved.

Commissioner Badwey seconded the motion.

**ROLL CALL**

Mayor Tom McKibban	Yes
Commissioner Shane Krause	Yes
Commissioner Linda Clark	Yes
Commissioner Nick Badwey	Yes
Commissioner David Chapin	Absent

**HAZARDOUS MATERIALS RESPONSE AGREEMENT**

City Attorney Jim Murfin stated that he had previously reviewed the response agreement. The agreement met the approval of both Mr. Murfin and Ken Nakaten, Fire Chief.

Mr. Rehder stated the changes made to the agreement as included in the agenda item.

Commissioner Badwey moved that the Hazardous Materials Response Agreement between the City of El Dorado and Butler County, as presented, be approved.

Commissioner Krause seconded the motion.

Motion carried 4-0

**NEW BUSINESS**

Commissioner Krause reported that the City had its first meeting of the Educational Facilities Authority of Butler County last week. This first meeting was successful, and the EFABC will be meeting on a regular basis the second Thursday of each month.

Commissioner Clark asked about the status of the lighting at the Business Park. Scott Rickard, City Engineer, responded that currently the City is looking at different lighting options for that area and is working with Weststar for upgraded lighting as well as solar powered lighting. Mr. Rickard added that the City will be communicating with the affected property owners regarding what the current options are and what they would like installed. Commissioner Clark questioned whether this initiative could be completed by the first of the year. Mr. Rickard responded that is a possibility.

Commissioner Badwey congratulated the Butler Community College Grizzlies for their win against Coffeerville and encouraged everyone to attend Saturday's game. He also commented on the recent League of Kansas Municipalities conference and sessions that were attended.

Mayor McKibban also commented on the LKM conference and sessions he attended including sessions related to social networking and the accessibility of public documents on websites. The Mayor instructed staff to begin work on updating the City's existing ordinance on public records with respect to the new internet-based technology in existence. The Mayor indicated he desires that the City become more transparent.

**CITY MANAGER'S REPORT**

Assistant to the City Manager Matt Rehder stated that other than the Municipal Court Monthly Revenue Report for September 2010, there were no other items to report.

**EXECUTIVE SESSION**

Due to Commissioner Chapin's absence, the Commission agreed to table this Executive Session.

**ADJOURNMENT**

Commissioner Linda Clark moved the meeting adjourned at 8:02 p.m.

Commissioner Nick Badwey seconded the motion.

Motion Carried 4-0.

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City Clerk Tabitha Sharp

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Mayor Tom McKibban

The El Dorado City Commission met in regular session on November 1, 2010 at 7:00 pm in the Commission Room with the following present: Mayor Tom McKibban, Commissioner Nick Badwey, Commissioner David Chapin, Commissioner Linda Clark, Commissioner Shane Krause, City Manager Herb Llewellyn, Assistant City Engineer Scott Rickard, City Attorney James Murfin and City Clerk Tabitha Sharp.

**VISITORS**

Julie Clements	El Dorado Times	El Dorado, KS
Tom Kaleko	Springsted	Wichita, KS
Deb Wilson	1179 SE Conner Rd.	El Dorado, KS
David Wilson	1179 SE Conner Rd.	El Dorado, KS
Steven Wilson	1179 SE Conner Rd.	El Dorado, KS
John Wilson	220 E 1 <sup>st</sup>	El Dorado, KS
James Powell	323 W Carr	El Dorado, KS
Jacob Meyer	220 E 1 <sup>st</sup>	El Dorado, KS
Trevor Meyer	220 E 1 <sup>st</sup>	El Dorado, KS
Tony Yaghjian	220 E 1 <sup>st</sup>	El Dorado, KS
Jared Cobb	220 E 1 <sup>st</sup>	El Dorado, KS
Jim Edwards	914 Rim Rock Rd	El Dorado, KS
Kay Kratzer	220 E 1 <sup>st</sup>	El Dorado, KS
Frank Kratzer	220 E 1 <sup>st</sup>	El Dorado, KS
Curt Zieman	220 E 1 <sup>st</sup>	El Dorado, KS
Gene Adams	1770 Country Club Rd	El Dorado, KS
Vicki Adams	1770 Country Club Rd	El Dorado, KS
Dave Adams	220 E 1 <sup>st</sup>	El Dorado, KS
Sandy Adams	220 E 1 <sup>st</sup>	El Dorado, KS
Steve Funk	1810 Lawndale	El Dorado, KS
Linda Jolly	2100 Pico Ct	El Dorado, KS
Clayton Hill	220 E 1 <sup>st</sup>	El Dorado, KS
Lisa Hill	220 E 1 <sup>st</sup>	El Dorado, KS
Susan White Roberts	1230 Loring Run	Charlottesville, VA
Gene & Alexandra White	220 E 1 <sup>st</sup>	El Dorado, KS
Jack & Tammy Zimmerman	220 E 1 <sup>st</sup>	El Dorado, KS
Tad & Tricia Schlesener	220 E 1 <sup>st</sup>	El Dorado, KS
Mark Riddle	220 E 1 <sup>st</sup>	El Dorado, KS
Daniel Jones	202 SW Morley Rd	El Dorado, KS
Allen Stalnaker	220 E 1 <sup>st</sup>	El Dorado, KS
Amanda Stalnaker	220 E 1 <sup>st</sup>	El Dorado, KS
Susan Evenson	220 E 1 <sup>st</sup>	El Dorado, KS
John Newton	220 E 1 <sup>st</sup>	El Dorado, KS
Sandra Newton	220 E 1 <sup>st</sup>	El Dorado, KS
Jennifer Meyer	220 E 1 <sup>st</sup>	El Dorado, KS
Sue Austin	220 E 1 <sup>st</sup>	El Dorado, KS
Brad Meyer	220 E 1 <sup>st</sup>	El Dorado, KS
Kurt Bookout	220 E 1 <sup>st</sup>	El Dorado, KS

**CALL TO ORDER**

Mayor McKibban called the November 1, 2010, City Commission meeting to order.

**INVOCATION**

Tom Boren, Chief of Police, opened the meeting with prayer.

**PLEDGE OF ALLEGIANCE**

Brad Meyer, Assistant Director of Public Works, led the Pledge of Allegiance.

**EMPLOYEE SERVICE AWARDS**

City Manager Herb Llewellyn announced that several City employees are receiving service awards for various years of service. The following employees were presented service awards.

Ten-Year Service Awards

Kurt Spivey, Police  
Ronald Bowlin, Public Works  
Sandra Newton, Parks & Recreation  
Susan Evenson, Police  
Jack Zimmerman, Fire

Fifteen-Year Service Awards

Leonard Stalaker, Public Utilities  
Clayton Hill, Public Works  
Tad Schlesener, Public Utilities  
Brad Meyer, Public Works

Twenty-Year Service Awards

Doyle White, Police  
Frank Kratzer, Police  
John Wilson, Fire

Twenty-Five Year Service Awards

Max Brown, Fire  
David Adams, Police

Thirty-Year Service Award

Curt Zieman, Police

**PERSONAL APPEARANCE**

Steve Funk, El Dorado, Inc. presented Fast Facts about the El Dorado community.

Linda Jolly, Executive Director of El Dorado, Inc. presented the El Dorado, Inc. quarterly report. She reported that there are currently 32 business and organizational partners on 360ElDorado.com since its launch one year ago. The site gets 12,000 to 14,000 visitors per month. Television commercials promoting El Dorado will begin next week and continue through the end of the year.

**PUBLIC COMMENTS**

Mayor McKibban opened the floor for public comments.

James Powell, 323 W Carr, offered congratulations to the Commission.

**CONSENT AGENDA**

Approval of the October 8, 2010 City Commission minutes.

Approval of Appropriation Ordinance 10-10 in the amount of \$2,465,697.38

Approval of the Engineer's First Pay Estimate dated September 22, 2010, on Project No. 342, NW Industrial Park Sanitary Sewer, Lift Station, Force & Water Main to the Contractor, Don linger & Sons, in the amount of \$244,848.60.

Approval of the Engineer's Third Pay Estimate dated October 26, 2010, on Project No. 243-15" Sanitary Sewer N. Main to the Contractor, Nowak Construction, in the amount of \$13,454.10.



Approval of the Engineer’s Fourth Pay Estimate dated October 29, 2010, on Project No. 243-15” Sanitary Sewer N. Main to the Contractor, Nowak Construction, in the amount of \$19,269.54.

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

Commissioner Badwey seconded the motion.

Motion carried 5-0.

**GENERAL OBLIGATION BOND SALE**

At the October 18, 2010, City Commission meeting, the City Commission approved setting this date as the sale date of General Obligation bonds for the long-term funding of 14 capital improvement projects in the City and the refunding of the \$755,000 outstanding balance of the 2002 G.O. Bond.

Dee Anne Grunder, Finance Director, stated that the bond sale was held today with good results.

Tom Kaleko, Springsted financial advisor, received eight bids. United Missouri Bank won the bid at 2.49 percent, lower than the original estimate of 2.75 percent.

Mr. Kaleko explained that original estimates were that refunding would result in \$42,500 savings, on a net present value basis. It actually comes out to a little over \$55,000, which is about \$7,780 per year in savings. Standard and Poor’s affirmed the City’s existing general obligation bond rating of A+, and a “Good” rating in the area of financial management, which is the second highest rating possible.

Commissioner Badwey asked if other cities are getting the same rate, and if there were any Kansas banks that placed a bid.

Mr. Kaleko stated that compared to other cities with similar financial ratings, the City did very well. In fact, the rate is actually much better than the typical A+ rated city would get.

**GENERAL OBLIGATION BOND SALE**

Commissioner Krause moved to award the firm of United Missouri Bank the sale of General Obligation Bonds, Series 2010, with an average interest rate of 2.395% with a total interest of \$343,329.04, and to authorize the Mayor and City Clerk to execute the bid form.

Commissioner Badwey seconded the motion.

Motion carried 5-0.

**ORDINANCE NO. S-1316**

Commissioner Badwey moved that Ordinance No. S-1316, an ordinance authorizing and providing for the issuance of General Obligation Bonds, Series 2010, of the City of El Dorado, Kansas; for the purpose of providing funds to refund the City’s Outstanding General Obligation Bonds; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on said bonds as they become due; authorizing certain other documents and actions in connection therewith; and making certain covenants with respect thereto, be approved.

Commissioner Clark seconded the motion.

**ROLL CALL**

Mayor Tom McKibban	Yes
Commissioner Shane Krause	Yes
Commissioner Linda Clark	Yes

Commissioner Nick Badwey	Yes
Commissioner David Chapin	Yes

**RESOLUTION NO. 2669**

Commissioner Clark moved that Resolution No. 2669, a resolution authorizing and directing the issuance, sale and delivery of General Obligation Bonds, Series 2010, of the City of El Dorado, Kansas; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on said bonds as they become due; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith, be approved

Commissioner Krause seconded the motion.

Motion carried 5-0.

**NEW BUSINESS – DISCUSSION ITEMS**

Mayor McKibban opened the floor for Commissioners’ comments.

**COLLEGE ACRES WATER**

Commissioner Clark inquired about the water situation in College Acres.

City Manager Llewellyn explained that the board of the Rural Water District has ratified the City taking over the water contract for College Acres. He said that he expects residents will soon begin realizing the savings of City supplied water.

**BUSINESS PARK LIGHTS**

Commissioner Clark inquired as to the status of the lights in the parking lot at the Business Park.

Scott Rickard, City Engineer, explained that lighting will be completed soon, and that staff is getting pricing together from suppliers before discussing the details with the business owners.

Commissioners Badwey and Chapin encouraged everyone to vote tomorrow.

Mayor McKibban also encouraged everyone to vote, and offered thanks to City employees recognized for their service tonight.

**CITY MANAGER’S REPORT**

**FIREWORKS**

Mr. Llewellyn summarized that last year the Youth Commission looked at the City’s fireworks policy. Youth Commission provided notes with fireworks purchases clarifying the days and hours fireworks could be used, which made it easier for people to know when fireworks were allowed and when they were not. Information was also provided on the number of complaints and tickets written for fireworks violations as well as the taxes and fees brought in from the fireworks stands.

Commissioner Badwey inquired regarding the number of complaints received this year as opposed to last year.

Mr. Llewellyn clarified that there were 44 complaints and four tickets written.

Commissioner Krause inquired as to the effectiveness of the educational information provided by the Youth Commission in keeping complaints and illegal discharge down.

Police Chief Tom Boren indicated that four tickets were written, as compared to about ten to twelve tickets last year.

Mr. Llewellyn added that public discourse letting expectations be known; staff's willingness to enforce the regulations, and engaging the Youth Commission and getting their perspective helped the City to be proactive instead of reactive.

Commissioner Krause asked if there were any fireworks related fire issues. He stated that he checked with the hospital to determine if there were any fireworks related ER visits, and that the hospital staff reported that they did not recall any.

Fire Chief Ken Nakaten confirmed that there were no fireworks related fires.

Commissioner Badwey inquired as to when a decision would need to be made.

Mr. Llewellyn stated that some of the stands are fund raising activities, and that the sooner they can be notified of potential changes, the better. Legislation is currently in place.

Mayor McKibban indicated that if the complaints and tickets went down, it was a favorable outcome. He added that hopefully the Youth Commission would continue assisting.

### **FIRE SCIENCE TRAINING CENTER**

Mr. Llewellyn introduced the concept of joining with Butler Community College to provide a training center for the Fire Science program.

Chief Nakaten explained that the college had expressed interested in partnering in the fire department project. City staff decided to move forward in designing the station so it could be a standalone facility, joined in the center with the college training center. The station will be designed to be a fully staffed station within the next ten years. Staff will work on getting the details together. The initial location across from Oil Hill School will not work due to access points to Sixth Street. It looks like a location further east will work, and is out of the school zone. The goal is to have bids for the project after the first of next year, and break ground by spring. Hopefully it would be finished by the end of next year, or at least within 12 months of breaking ground.

Commissioner Badwey asked how many students are in the fire science program, and how long the training takes to complete.

Tony Yaghjian indicated that there are about 430 students taking classes in the fire science program, though that number does fluctuate, and that it is a two year Associate's of Applied Science degree program that also provides certifications firefighters need.

Mayor McKibban asked if the program was having an effect on recruiting in this area.

Mr. Yaghjian indicated that it was indeed helping to recruit properly trained and nationally certified firefighters.

Mr. Llewellyn added that if the City doesn't hire trained firefighters, the City has to pay the expense to train and certify them.

Mr. Nakaten stated that there is plenty of room at the suggested location for expansion, and that it is a residency program.

Mr. Yaghjian clarified that the program is currently offered at various locations. Consolidating into one location would allow for a training lab and proper storage of equipment.

Commissioner Krause clarified that the Butler Community College Board of Trustees had approved the cooperative measure, but not funding.

Mr. Nakaten confirmed that the funding is still being worked out.

Mr. Llewellyn stated that a work session is needed to more fully discuss financing and space.

**T HANGARS**

Mr. Llewellyn stated that the airport board recognized the need for more T hangars at the airport, and that the City's master plan called for additional T hangars. The first set is paid off and rented, and there is a waiting list for more.

Commissioner Chapin asked about the demand for T hangars.

Brad Meyer, Public Works Assistant Director, said that he could fill ten more T hangars today. He said that the size of the new hangars will be increased to accommodate a small twin or a big single aircraft to meet current needs.

Commissioner Clark asked if the City could get help from the FFA.

Mr. Meyer explained that actually funding T hangars is not a high priority for the FFA.

Commissioner Chapin asked if the Federal government has set any security mandates.

Mr. Meyer explained that there are no specific Federal security mandates for an airport of this size, but that the City has implemented security measures, including monitoring the facility.

Mr. Meyer stated that having an airport manager has really helped in promoting the airport. It has also led to increased utilization of the airport.

Commissioner Krause inquired as to whether the rental fees pay the debt service.

Mr. Llewellyn clarified that one rented T hangar will not make the payment by itself, but that as hangars are paid off and new ones are built, the rental income will increase.

**CEMETERY BUILDING**

Mr. Llewellyn brought up the issue of replacing a cemetery building that was lost in a storm.

Mr. Meyer stated that he increased the footprint to 30 x 60 and got bids. This size does not allow for all the equipment to be stored indoors. He asked for an extended roofline with two 20 ft bays on either end, with no floor or walls. This will provide some shelter for equipment, and will allow for future enclosure. The base building was \$27,000 and an additional \$11,000 would include the open end. The concrete work came to \$8,500. The building site and previous building was right next to the fence line. Frontier Refinery has stated that they would be willing to pay some of the costs for the concrete work to have the building relocated away from the fence line. Insurance proceeds were \$21,000, and Frontier would pay the \$8,500 for concrete work.

Mayor McKibban inquired as to whether it would be a metal building, and to the location. He asked to see the plans and the location.

Mr. Meyer explained that it will be located along Haverhill Road, and will be a metal building with fascia and landscaping.

Commissioner Badwey requested clarification as to what equipment would be housed in the building. He explained that investing \$11,000 to protect such expensive equipment is a good investment.

Commissioner Chapin added that protected equipment can last an additional five to ten years.

Mr. Meyer said that the equipment is currently stored outside and at various locations. This building would provide a central location as well as protection from the elements.

**GOLF CARTS ON STREETS**

Mr. Boren stated that residents occasionally petition for a change to City ordinances regarding the driving of unconventional vehicles on city streets. In 2003, over twelve cities the size of El Dorado in this area elected to keep the Standard Traffic Ordinance. Currently, vehicles have to be manufactured with a windshield, lights, and signals. He stated that if the decision is made to amend the STO, the City would accept some liability.

City Attorney Jim Murfin stated that the concern of the League of Municipalities counsel was with the severity of accidents when a golf cart is involved in an accident with a car. However, after many requests, the League finally drafted some sample ordinances concerning golf carts.

Mayor McKibban stated that he thought the citizen who brought up the issue recently wanted to drive a golf cart down to events being held while the streets were closed, because she couldn't walk around.

Mr. Boren clarified that scooters and other motorized wheelchair devices are considered as a pedestrian, not a vehicle.

Mr. Llewellyn summarized that someone could bring a golf cart in on a trailer to an event.

Mr. Boren stated that he felt the current STO was sufficient.

**EXECUTIVE SESSION**

This item is for the purpose of discussing land acquisitions, legal and non-elected personnel matters.

Commissioner Krause moved to recess into an Executive Session for the purpose of discussing land acquisitions, legal, and non-elected personnel matters, and to reconvene the regularly scheduled meeting in the City Commission room at 10:15 p.m.

Commissioner Clark seconded the motion.

Motion carried 5-0.

**RECONVENE**

Mayor McKibban reconvened the meeting at 10:15 p.m.

Commissioner Clark remained in the conference room.

Commissioner Krause moved to extend the Executive Session until 11:15 p.m.

Commissioner Badwey seconded the motion

Motion carried 4-0.

Mayor McKibban reconvened the meeting at 11:15 p.m.

Commissioner Chapin remained in the conference room.

Commissioner Badwey moved to extend the Executive Session until 11:45 p.m.

Commissioner Krause seconded the motion.

Motion carried 4-0.

**ADJOURNMENT**

Commissioner Badwey moved to adjourn the meeting at 12:05 a.m.

Commissioner Krause seconded the motion.

Motion carried 5-0.

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City Clerk Tabitha Sharp

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Mayor Tom McKibban

The El Dorado City Commission met in special session on November 10, 2010, at 4:00 pm in the Commission Room with the following present: Mayor Tom McKibban, Commissioner Linda Clark, Commissioner Nick Badwey, Commissioner Shane Krause, Commissioner David Chapin, City Manager Herb Llewellyn, Assistant City Engineer Scott Rickard, and City Clerk Tabitha Sharp. Absent: City Attorney Jim Murfin

**VISITORS**

Matt Rehder	220 E. 1st	El Dorado, KS
Julie Clements	El Dorado Times	El Dorado, KS
Jared Cobb	220 E. 1st	El Dorado, KS
Kyle McLaren	220 E. 1st	El Dorado, KS
Tammy Schaffer	220 E. 1st	El Dorado, KS
Linda Jolly	El Dorado Inc.	El Dorado, KS
John Bailey	El Dorado Inc.	El Dorado, KS

**CALL TO ORDER**

Mayor Tom McKibban called the November 10, 2010, Special City Commission meeting to order.

**WATER TURN ON/OFF FEE INCREASE**

Water Distribution and specifically our meter readers have been plagued by increasing numbers of turn-on/turn-offs. Each month we have from 200 to 300 customers that do not pay their water bills and must be turned off and then eventually turned back on again. This accounts for about 150 hours of work, not including administration time. The fee for this is \$15, which unfortunately does not cover the cost of our labor. In the past, we have turned their water back on if they contact our on-call operators after hours. We would like to discuss what other cities are doing and how raising turn on/off fees may dramatically reduce the number of delinquent accounts.

Director of Public Utilities Kurt Bookout and City Clerk Tabitha Sharp presented the commission with information on the collection fees from other cities, discussion ensued.

Commissioner Krause moved that the reconnect fee be raised from \$15 to \$50.

Commissioner Badwey seconded the motion.

Motion passed 3 – 2.

City Staff will bring an ordinance to the next meeting for the Commission’s approval.

**WICHITA WATER SALES**

The water modeling for El Dorado Lake is complete and confirms we have adequate water supplies to market regionally.

Discussion ensued with Director of Public Utilities Kurt Bookout presenting the information from the study. He stated that we are more than capable of selling water to Wichita without decreasing our supply. As we sell more water, the amount of the balloon payment at the end of the lake contract will decrease.

**EL DORADO INC. HOUSING REPORT**

Linda Jolly, Director of El Dorado Inc. and John Bailey, El Dorado Inc. Housing Committee member provided the Commission with input on the status of the Housing Report. Commissioners were also provided with City Staff comments. Staff asked the

Commissioners to rank the items they found most important on the Housing Report and return them to Mr. Llewellyn.

**EXECUTIVE SESSION**

This item is for the purpose of discussing proprietary information of a business or industry.

Commissioner Krause moved to recess into an Executive Session for the purpose of discussing proprietary information of a business or industry, and to reconvene the regularly scheduled meeting in the City Commission room at 6:45 p.m.

Commissioner Chapin seconded the motion.

Motion carried 5-0.

**ADJOURNMENT**

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City Clerk Tabitha Sharp

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Mayor Tom McKibban



The El Dorado City Commission met in regular session on November 15, 2010 at 7:00 pm in the Commission Room with the following present: Mayor Tom McKibban, Commissioner Nick Badwey, Commissioner David Chapin, Commissioner Linda Clark, Commissioner Shane Krause, City Manager Herb Llewellyn, Assistant City Engineer Scott Rickard, City Attorney James Murfin and City Clerk Tabitha Sharp.

**VISITORS**

Richard Turner	2652 Munson Hill Rd.	El Dorado, KS
Ronald Eisenbise	301 W. Towanda	El Dorado, KS
Susan Ballard	417 N Allegheny	El Dorado, KS
Gene White	220 E 1 <sup>st</sup> Ave.	El Dorado, KS
Mike McGuire	502 S Denver	El Dorado, KS
J. Comer	896 Frederick	El Dorado, KS
Jim & Lisa Cox	2101 W. Towanda	El Dorado, KS
Stephen & Pam Waite	125 Genna Ct.	El Dorado, KS
Matt Rehder	220 E 1 <sup>st</sup> Ave.	El Dorado, KS
Brad Meyer	220 E 1 <sup>st</sup> Ave.	El Dorado, KS
Kurt Bookout	220 E 1 <sup>st</sup> Ave.	El Dorado, KS
Heather Riddle	921 N Denver	El Dorado, KS
Jessica Polant	520 W 4 <sup>th</sup> Ave.	El Dorado, KS
Amanda Ash	1018 W 4 <sup>th</sup> Ave.	El Dorado, KS
James L Cook	719 Frederick Dr.	El Dorado, KS

**CALL TO ORDER**

Mayor McKibban called the November 15, 2010, City Commission meeting to order.

**INVOCATION**

Rev. Mike McGuire, First United Methodist Church opened the meeting with prayer.

**PLEDGE OF ALLEGIANCE**

Denise Carter’s class from Lincoln Elementary led the Pledge of Allegiance.

**RECOGNITION OF LIEUTENANT COLONEL RANDALL MITCHELL**

Mayor McKibban read a letter from Operation Tribute to Freedom recognizing Lieutenant Colonel Randall Mitchell as a distinguished and noteworthy soldier for his recent promotion to Lieutenant Colonel. Lt. Col. Mitchell served with the 345<sup>th</sup> Combat Support Hospital Unit in Iraq, and is currently stationed in Florida.

**PERSONAL APPEARANCE**

Steve Waite, 125 Genna Court, appeared on behalf of the Hot Rod Café. He felt that City Staff were not helpful to the couple wishing to open a restaurant in the Hot Rod Café. Mr. Waite requested that the Commission direct staff to formulate a policy to exhibit a more positive, proactive attitude to promote, not discourage, new businesses and utilizing existing buildings downtown.

Mayor McKibban indicated that a meeting with all parties should be arranged.

**PUBLIC COMMENTS**

Mayor McKibban opened the floor for public comments.

Gene White, Municipal Court Judge, stated that the Municipal Court is running smoothly.

**CONSENT AGENDA**

Approval of the November 1, 2010 City Commission minutes.

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

Commissioner Krause seconded the motion.

Motion carried 5-0.

**PROJECT NO. 243-SANITARY SEWER IMPROVEMENTS-CDBG GRANT**

This public hearing was to evaluate the performance of Grant No. 08-PF-616 which was to upgrade the City's Sanitary Sewer Collection System. The specific activities completed were the rehabilitation of 250 manholes, upgrading the 8<sup>th</sup> Ave. Lift Station and installing a new force main. Installing a new 15" Interceptor Sewer Line on N. Main St, and also installed new sewer mains on Douglas Rd. and 10<sup>th</sup> Ave. to serve residents that were on septic service. The planned scope of work was accomplished. This Grant was funded, all or in part, from the Kansas Department of Commerce, Small Cities Community Development Block Grant (CDBG) funds. All aspects of the Grant were discussed and oral and written comments were recorded and became a part of the city of El Dorado's CDBG Citizen Participation Plan.

Scott Rickard summarized the work that was done for this project.

Mayor McKibban called for the public hearing to begin.

Garrett Nordstrom, Grant Administrator with Governmental Assistance Services reported that the grant is complete, except for the public hearing requirement. He also indicated that the closeout documents need to be submitted.

Commissioner Chapin asked if enough was spent by the City to cover \$400,000.

Mr. Rickard indicated that was correct.

Commissioner Chapin inquired as to what percentage of sewers have been rehabilitated.

Kurt Bookout, Public Utilities Director, stated that about half of the manholes in El Dorado were completed under this grant. He clarified that the worst ones were done first. He explained that City Staff asked for \$250,000 a year to do CIPP (Cured In Place Pipe) and manhole rehabilitation. That amount has not yet been spent.

Mr. Llewellyn clarified that most of the City sewer is clay tile. He explained that the City has taken steps to remove roots from sewer lines, including getting a camera to go through and examine pipes, and using a chemical to discourage root growth.

Commissioner Chapin expressed his pleasure with taking a proactive approach to aging infrastructure.

Mayor McKibban closed the public hearing.

**GRANT NO. 08-PF-616**

Commissioner Krause moved to authorize the Mayor to sign CDBG Grant No. 08-PF-616 closeout documents.

Commissioner Clark seconded the motion.

Motion carried 5-0.

**HOPE SIX GRANT**

Mayor McKibban asked Mr. Nordstrom for a report of this grant, at the suggestion of Mr. Llewellyn.

Mr. Nordstrom stated that the grant has not yet been submitted because the 2011 Grant Notice of Funding Availability has not been received. He clarified that everything is in place to go once the proper forms arrive from HUD.

Mr. Llewellyn indicated that a meeting was held with the stakeholders. He asked the Commission to begin considering how the grant money should be distributed.

**EDUCATIONAL FACILITIES AUTHORITY OF BUTLER COUNTY**

Commissioner Krause reported on the Educational Facilities Authority of Butler County meeting with the American Legion Post 81. He indicated that the purchase of up to 45 acres at \$6,000 an acre was discussed, which resulted in an Addendum to the Lease and Purchase Agreement, which were presented to The Educational Facilities Authority of Butler County. The documents were approved to be considered by the Commission.

Mayor McKibban thanked the American Legion and Ray Connell, and clarified that the documents will need to be approved by the American Legion as well.

Commissioner Clark moved that the request to consider the Addendum to the original Lease Agreement between the City of El Dorado and the American Legion Post 81, be approved.

Commissioner Krause seconded the motion.

Motion carried 5-0.

**SPECIAL USE PERMIT TO ALLOW A PUBLIC ASSEMBLY VENUE ON PROPERTY LOCATED AT 809 N. GORDY**

Matt Rehder, Zoning, explained that the Spirit of Life Fellowship requested a Special Use Permit to allow a church on the property at 809 N. Gordy, which is currently zoned Single Family Residential. He added that regulations must be met if land use is approved. The Planning Commission has recommended approval of the SUP.

Commissioner Badwey questioned whether there was an existing building on the property in question.

Richard Turner, Pastor, stated that it is a double wide manufactured home.

**ORDINANCE NO. G 1010**

Commissioner Badwey moved that the recommendation of the Planning Commission to approve Case No. 10-006-SUP requesting a Special Use Permit to allow a public assembly venue on property located at 809 N. Gordy be accepted, with the stated condition, and that Ordinance No. G. 1110 be approved.

Commissioner Chapin seconded the motion.

**ROLL CALL**

	Mayor Tom McKibban	Y
Position No. 1	Commissioner Shane Krause	Y
Position No. 2	Commissioner Linda Clark	Y
Position No. 3	Commissioner Nick Badwey	Y
Position No. 4	Commissioner David Chapin	Y

**APPLICATION TO REZONE PROPERTY AT WETLANDS DRIVE FROM A-G AGRICULTURAL DISTRICT TO I-1 LIGHT INDUSTRIAL**

Mr. Rehder stated that the Planning Commission recommended rezoning property located at 105 Wetlands Drive from A-G Agricultural District to I-1 Light Industrial District. The lot in question contains the wastewater treatment plant. The proposed district allows the treatment plant to be a by-right use.

Commissioner Badwey asked for clarification concerning how much property was to be rezoned.

Mr. Rehder clarified that just the lot where the wastewater treatment plant is located will be rezoned. He explained that by-right use means that no special approval is required.

**ORDINANCE NO. G. 1111**

Commissioner Clark moved that the recommendation of the Planning Commission to approve Case No. 10-003-REZ requesting a rezoning of 105 Wetlands Drive be accepted and that Ordinance No. G-1111 be approved.

Commissioner Badwey seconded the motion.

**ROLL CALL**

	Mayor Tom McKibban	Y
Position No. 1	Commissioner Shane Krause	Y
Position No. 2	Commissioner Linda Clark	Y
Position No. 3	Commissioner Nick Badwey	Y
Position No. 4	Commissioner David Chapin	Y

**SPECIAL USE PERMIT TO ALLOW A WIND POWER GENERATING SYSTEM ON PROPERTY LOCATED AT 105 WETLANDS DRIVE**

Mr. Rehder explained that this property is currently zoned Agricultural. The turbine is proposed to be 329 feet in height from ground to top of propeller. The turbine will produce all energy necessary for the operation of the wastewater treatment plant. The Planning Commission has recommended approval of the SUP.

Commissioner Chapin questioned the life span of a turbine, cost and maintenance.

Kurt Bookout, Public Utilities Director, clarified that it will produce one megawatt of electricity and will cost 1.5 to 2.2 million dollars. He indicated that the EPA is conducting an environmental assessment, which is also necessary to receive a grant. He stated that with increasing technology that the life span is increasing, especially with a maintenance contract. He indicated perhaps 30 years at this point.

Mayor McKibban confirmed that, at this point, this issue is only approval of the special use permit for the land, not for the wind turbine itself.

**ORDINANCE NO. G 1112**

Commissioner Badwey moved that the recommendation of the Planning Commission to approve Case No. 10-007-SUP requesting a Special Use Permit to allow wind powered generating system on property located at 105 Wetlands Drive be accepted and that Ordinance No G. 1112 be approved.

Commissioner Clark seconded the motion.

**ROLL CALL**

	Mayor Tom McKibban	Y
Position No. 2	Commissioner Linda Clark	Y
Position No. 3	Commissioner Nick Badwey	Y
Position No. 4	Commissioner David Chapin	Y
Position No. 1	Commissioner Shane Krause	Y

**INCREASE OF UTILITY TURN OFF FEE**

Commissioners considered increasing the fee to re-connect service from the current fee of \$15 to \$50 due to a significant increase in the number of disconnections of utility service for the delinquency and non-payment of bills. The current fee has not been adjusted since 2000. Costs have increased and Staff is now submitting to the Commission for their consideration an increase of the fee from \$15.00 to \$50.00 for the disconnection and then the re-connection of utility service for certain customers in the community.

Discussion ensued.

Commissioner Krause moved to table the motion until an ordinance was provided separating the new service fee from the reconnect fee.

Commissioner Clark seconded the motion.

Motion carried 5-0.

**NEW BUSINESS – DISCUSSION ITEMS**

Commissioner Chapin introduced the Youth Commissioners.

Commissioner Clark announced that while she has enjoyed serving on the City Commission, and that she will not be running for re-election.

Commissioner Badwey congratulated Butler Community College on the win over Hutchinson and urged support for them in the upcoming bowl game in Pittsburg.

Commissioner Krause recently participated in a fundraiser for Court Appointed Special Advocates (CASA), and congratulated them on their success.

Mayor McKibban expressed his pleasure with the quality of the high school play and facilities. He also advised that Larry Scott, an active member of the Elks and positive force in the community, has passed way.

**CITY MANAGER’S REPORT**

**DAY AFTER THANKSGIVING**

Mr. Llewellyn inquired as to if the day after Thanksgiving could be made a permanent day off. No one objected.

**TOY-A-THON AND PARADE**

The Toy-a-Thon will be November 29, 2010 from 6:00 a.m. to noon. The Christmas parade will be December 2, 2010.

**WES SANTEE PASSING**

Mr. Llewellyn informed the Commission of the passing of Wes Santee, who ran a mile in almost 4 minutes. Mr. Santee was active at the University of Kansas, and a proud El Dorado native.

**ADJOURNMENT**

Commissioner Chapin moved to adjourn the meeting at 9:25 p.m.

Commissioner Badwey seconded the motion.

Motion carried 5-0.

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City Clerk Tabitha Sharp

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Mayor Tom McKibban

The El Dorado City Commission met in regular session on December 6, 2010 at 7:00 pm in the Commission Room with the following present: Mayor Tom McKibban, Commissioner Nick Badwey, Commissioner David Chapin, Commissioner Linda Clark, Commissioner Shane Krause, City Manager Herb Llewellyn, Finance Director Dee Anne Grunder, Assistant City Engineer Scott Rickard, City Attorney James Murfin and City Clerk Tabitha Sharp.

**VISITORS**

Rick McNary	Numana	El Dorado, KS
Brady Meyer	220 E 1 <sup>st</sup>	El Dorado, KS
Kurt Bookout	220 E 1 <sup>st</sup>	El Dorado, KS
Tom Boren	220 E 1 <sup>st</sup>	El Dorado, KS
Kyle McLaren	220 E 1 <sup>st</sup>	El Dorado, KS
Ken Nakaten	220 E 1 <sup>st</sup>	El Dorado, KS
Jared Cobb	220 E 1 <sup>st</sup>	El Dorado, KS
Linda Jolly	2100 N Pico Ct	El Dorado, KS
Julie Clements	El Dorado Times	El Dorado, KS
Bill Young	1751 E Lakeland Dr	El Dorado, KS
Kendra Wilkinson		El Dorado, KS
Bill and Bev Moorberg	2025 E Danielle Ct	El Dorado, KS
Dan Talbot	Prairie Trails	El Dorado, KS
Chris Thouey	Sand Creek Station	Newton, KS
Jason Reiswig	938 W 3 <sup>rd</sup>	El Dorado, KS

**CALL TO ORDER**

Mayor McKibban called the December 6, 2010, City Commission meeting to order.

**INVOCATION**

Rev. Spencer Stewart, New Life Ministry, opened the meeting with prayer.

**PLEDGE OF ALLEGIANCE**

Judy Slayton’s class from Lincoln Elementary led the Pledge of Allegiance.

**PERSONAL APPEARANCE**

Rick McNary, Numana Inc., talked to the Commission about the progress of the Numana organization over the last year. A packaging event will be held at the Civic Center on December 29, 2010 from 8 a.m. to 8 p.m. to celebrate a year of service.

**PUBLIC COMMENTS**

Mayor McKibban opened the floor for public comments.

There were no public comments.

**CONSENT AGENDA**

1. Approval of the November 10, 2010 & November 15, 2010 City Commission minutes.
2. Approval of Appropriation Ordinance 11-10 in the amount of \$3,770,239.89
3. Approval of the Engineer’s First Pay Estimate dated November 23, 2010, on Project No. 315, NW Industrial Park Rail Spur to the Contractor, Dondlinger & Sons, in the amount of \$596,131.80.
4. Approval of the Engineer’s First Pay Estimate dated November 22, 2010, on Project No. 347-N. Main Sidewalk (12<sup>th</sup> to Post) to the Contractor, Bryant & Bryant Construction, in the amount of \$88,331.94.
5. Approval of the Engineer’s Fifth & Final Pay Estimate dated November 22, 2010, on Project No. 243-15” Sanitary Sewer N. Main to the Contractor, Nowak Construction, in the amount of \$11,259.54.
6. Approval of the Engineer’s First Pay Estimate dated November 23, 2010, on Project No. 342, NW Industrial Park Paving & Drainage to the Contractor, Dondlinger & Sons, in the amount of \$776,975.65.
7. Approval of the Engineer’s First Pay Estimate dated October 18, 2010, on Project No. 341, Airport Apron Reconstruction to the Contractor, Cornejo & Sons, in the amount of \$53,273.03.
8. Approval of the Engineer’s Second Pay Estimate dated November 2, 2010, on Project No. 341, Airport Apron Reconstruction to the Contractor, Cornejo & Sons, in the amount of \$190,040.40.
9. Approval of the following 2011 CMB licenses.
  - a. Pizza Hut                    2423 W Central
  - b. Pizza Hut                    729 N Main
  - c. Jumpstart Central        1631 W Central
  - d. Jumpstart North         701 N Main
  - e. Dillons                        700 N Main
  - f. Walgreen Co                119 W 6<sup>th</sup>
  - g. Wal-Mart                     301 S Village
  - h. Saroya, LLC                 2575 W Central



- i. Casey’s 420 W 6<sup>th</sup>
- j. Casey’s 1310 N Main
- k. Two Brothers BBQ 1701 W Central
- l. Prairie Bowl, INC 307 S Haverhill Rd
- m. Iron Horse 315 S Main
- n. Quik Trip 1320 W Central

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

Commissioner Shane Krause seconded the motion.

Motion carried 5-0.

**TEMPORARY NOTES – PROJECT NO. 342**

Funding is needed for Project No. 342. Staff requests issuing temporary notes in the amount of \$740,000 to finance infrastructure improvements in the Industrial Park to serve BG Products, Barton Solvents, Pioneer Balloon, and a vacant lot owned by the City. City Finance Director Dee Anne Grunder was present for questions.

Commissioner Linda Clark asked if the work had been completed.

Assistant City Engineer Scott Rickard stated that there were some minor things left to complete, but it was mostly finished.

Commissioner Nick Badwey moved that Resolution No. 2670 a resolution relating to the issuance of Temporary Note No. 1883 for Project No. 342, be adopted.

Commissioner David Chapin seconded the motion.

Motion carried 5 – 0.

**INTERLOCAL AGREEMENT – BUTLER COUNTY EMS AND CITY OF EL DORADO**

This interlocal agreement is intended to bring all agencies with first response medical capabilities into conformance with state guidelines. By entering into this agreement, the City of El Dorado agrees to adopt and follow the medical protocols and policies set forth by Butler County EMS. Additionally, Butler County EMS agrees to provide continuing education to those members covered by this agreement as well as replacing any disposable medical equipment or supplies normally stocked by Butler County EMS.

Fire Chief Ken Nakaten stated that the agreement has been distributed to all emergency response groups in Butler County. The agreement will not change our current operations.

City Attorney Jim Murfin stated that there were some minor changes which included some of the responsibilities of the County and termination of the agreement is allowable by either party.

Commissioner Shane Krause moved that the interlocal agreement between Butler County EMS and the City of El Dorado providing for a medical services team, be adopted.

Commissioner Nick Badwey seconded the motion

Motion carried 5 -0.

**INCREASE OF UTILITY TURN OFF FEE**

We are experiencing a significant number of disconnections of utility service for the delinquency and non-payment of bills. Approximately 200 to 300 turn off/on's are performed each month utilizing approximately 100 to 200 manhours in direct labor and bookkeeping labor for these turn off/on's. Our current fee is \$15 and has not been adjusted since 2000. We have surveyed other cities and found that increasing the fee to turn off/on water for non-payment is very effective in reducing the number of disconnections. Staff is now submitting to the Commission for their consideration an increase of the fee from \$15.00 to \$50.00 for the disconnection and then reconnection of utility service. A new section has been created and added to the municipal code (Section 13.08.011), that will keep all fees for new service or transfer of service at the same cost of \$15.00. It reads, "When a user establishes water, waste water or a solid waste account service, user shall pay a \$15.00 account set-up fee."

Public Utilities Director Kurt Bookout stated that City staff had made the requested change to the ordinance that keeps the connection fee \$15.00.

Discussion ensued.

Commissioner Shane Krause moved that Ordinance No G. 1113, an ordinance providing for the revision of Sections 8.04.100, 13.20.090, 13.08.050, and 13.08.011 be approved.

Commissioner Nick Badwey seconded the motion.

**ROLL CALL**

	Mayor Tom McKibban	No
Position No. 1	Commissioner Shane Krause	Yes
Position No. 2	Commissioner Linda Clark	Yes
Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner David Chapin	No

**PRESENTATION FROM KEMPER SPORTS ON THE STATUS OF OPERATIONS AT PRAIRIE TRAILS**

Chris Thouey, Regional Manager of Kemper Sports, stated that Kemper has been working on many things at Prairie Trails, and they are looking forward to a productive new year.

General Manager Bill Moorberg stated that some of the items in the plan for the new year include advertising, a new marketing plan, and recruiting more members for the golf course.

Commissioner Linda Clark asked if there would be more focus on the restaurant.

Mr. Moorberg stated that the new food and beverage manager has been working on a new menu, food costs, food handling, and new equipment for the kitchen.

**NEW BUSINESS – DISCUSSION ITEMS**

Commissioner Krause congratulated the Butler football team on a well played game.

Commissioner Clark stated that the Christmas decorations look great as well as the area north of Dillons on the bike path.

Commissioner Badwey stated that he also thought the Christmas decorations looked good.

Commissioner Chapin agreed with the comments on the Christmas decorations. He also inquired about the bumps on Central.

Assistant City Engineer Scott Rickard stated that Cornejo fixed the settling issues, but not to our standards, and they will be repairing the bumps soon.

Mayor McKibban asked if the ice crews were ready for the coming season.

Assistant Public Works Director Brad Meyer stated that they were.

Mayor McKibban also asked that the situation at the Hot Rod Café be explained by City Staff.

City Manager Herb Llewellyn stated that the City never received plans for a vent system, and received only one phone call from a contractor on that vent system. The City does explain how codes pertain to plans whenever we are asked.

Mayor McKibban asked if commercial construction plans have to be stamped by a design professional.

Mr. Llewellyn stated that yes they did per state statute.

Mayor McKibban asked if the group came in to meet with City staff.

Mr. Llewellyn stated that Mr. Comer was recalled to the railroad, and had given the project to another individual who had not yet been in contact with City staff.

Mayor McKibban inquired about plans for District 142.

Mr. Llewellyn stated that we had not received plans yet.

Commissioner Krause asked if it was common for the building official to receive questions.

Kyle McClaren, Building Official, stated that yes it was.

Mr. Llewellyn stated that as of January 1<sup>st</sup> 2010, all mechanical work was required to have a permit and inspection per the building code.

Mayor McKibban asked if there was a process for complaints.

Mr. Llewellyn stated that the Code Review Board was available to discuss complaints.

Mayor McKibban asked if City staff had been able to discuss the property tax increase with the County.

Mr. Llewellyn stated that City staff had met with the County to discuss the error that occurred due to property tax abatements and rebates. City staff were not informed that the mill levy had been increased.

The Mayor and City Commissioners requested that City staff talk to the County again to request that the problem be fixed.

Mr. Llewellyn stated that he would go to the County with the Commission's request.

## **CITY MANAGER'S REPORT**

### **LANDFILL MEETING**

City Manager Herb Llewellyn stated that City staff had met with Will Johnson and Darrell Lutz on a proposed landfill expansion. The FAA has expressed some concerns due to the possible increase in the number of birds.

Mr. Llewellyn stated that City staff do not see any problems with the expansion.

**TAX ABATEMENT**

Linda Jolly, Director of El Dorado Inc., stated that there has been a default on existing tax abatement. Normally that bond would be returned to the City, however there is a party interested in taking over the remainder of the abatement.

Ms. Jolly stated that the new company would possibly bring more economic activity to the City than the previous owner, and recommended approval of the extension to the Commission.

The Commission was in favor of offering the remainder of the abatement to the new company.

**EXECUTIVE SESSION**

This item is for the purpose of discussing business trade secrets and non-elected personnel matters.

Commissioner Nick Badwey moved to recess into an Executive Session for the purpose of discussing business trade secrets and non-elected personnel matters, and to reconvene the regularly scheduled meeting in the City Commission room at 9:30 p.m.

Commissioner Linda Clark seconded the motion.

Motion carried 5 – 0.

Mayor Tom McKibban reconvened the meeting at 9:30 p.m.

Commissioner Shane Krause requested an additional forty minutes for Executive Session.

Commissioner David Chapin seconded the motion.

Mayor Tom McKibban reconvened the meeting at 10:10 p.m.

**ADJOURNMENT**

Commissioner Shane Krause moved to adjourn the meeting at 10:10 p.m.

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

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City Clerk Tabitha Sharp

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Mayor Tom McKibban

The El Dorado City Commission met in special session on November 10, 2010, at 4:00 p.m. in the Commission Room with the following present: Mayor Tom McKibban, Commissioner Linda Clark, Commissioner Shane Krause, Commissioner David Chapin, Commissioner Nick Badwey (arrived at 4:05), City Manager Herb Llewellyn, Assistant City Engineer Scott Rickard, Finance Director Dee Anne Grunder, City Attorney Jim Murfin, and Public Utilities Director Kurt Bookout. Absent: City Clerk, Tabitha Sharp.

**VISITORS**

Jared Cobb	220 E. 1st	El Dorado, KS
Laura Hoffman	El Dorado Times	El Dorado, KS
Tammy Schaffer	220 E. 1st	El Dorado, KS
Brad Meyer	220 E. 1st	El Dorado, KS

**CALL TO ORDER**

Mayor Tom McKibban called the December 15, 2010, Special City Commission meeting to order.

**SANITARY SEWER EXTENSION**

The residents of the 100 block of North High are on a community sewer line that has failed and for health and safety reasons need to tie into a City of El Dorado sanitary sewer main. By adopting this resolution it will authorize the improvements.

Assistant City Engineer Scott Rickard presented the Commission with information regarding the failed sewer line.

Commissioner David Chapin asked if it was possible the line was not a community sewer line, but an old City sewer line that was not designed or recorded properly.

Mr. Rickard stated that an investigation is ongoing.

Commissioner Shane Krause moved that Resolution No. 2671, a resolution determining the advisability of the making of certain internal improvements in El Dorado, Kansas; making certain findings with respect thereto; and authorizing and providing for the making of the improvements in accordance with such findings (sanitary sewer improvements/project no. 362).

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

**WATER AGREEMENT WITH BUTLER COUNTY RWD #2**

City staff has been working with Rural Water District #2 to transfer the water service of College Acres customers to the City. Staff has negotiated several changes to the contract which improve the agreement for both the City and Rural Water District #2.

Public Utilities Director Kurt Bookout explained the following revisions:

- Reduction in rate from two times in-city rate to 1.75
- Elimination of the 7.50 year annexation clause
- Implementation of Readiness to Serve Fee (RTS)
- Elimination of Take or Pay clause
- Removal of City owned land, east of Industrial Park, from the RWD#2 territory.
- Increase in allowable flow rate from 200 gpm to 450 gpm.
- Addition of State’s new Annexation guidelines (House Bill 2283)
- Reassignment of College Acres customers

City Manager Herb Llewellyn stated that City staff has been regularly attending the board meetings of area rural water districts, and that the relationship has since improved.

Commissioner David Chapin moved that the agreement between Rural Water District #2 and the City of El Dorado, be adopted.

Commissioner Nick Badwey seconded the motion.

Motion carried 5-0.

**UPDATE ON TAX MEETING WITH BUTLER COUNTY**

City Manager Herb Llewellyn provided an update to the Commission regarding the two mill property tax increase. He stated that Finance Director Dee Anne Grunder, Finance Assistant Tammy Schaffer, and himself, visited with Butler County Manager Will Johnson on Monday to discuss the issue. They were told by Mr. Johnson that new property tax bills could be printed, but the cost was to be determined.

Mr. Llewellyn stated he would submit the cost estimate to the Commission for their review once it becomes available.

**ADJOURNMENT**

Commissioner David Chapin moved the meeting adjourned at 4:44 p.m.

Commissioner Linda Clark seconded the motion.

Motion Carried 5-0.

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City Clerk Tabitha Sharp

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Mayor Tom McKibban



The El Dorado City Commission met in regular session on December 20, 2010 at 7:00 pm in the Commission Room with the following present: Mayor Tom McKibban, Commissioner Nick Badwey, Commissioner David Chapin, Commissioner Linda Clark, Commissioner Shane Krause, City Manager Herb Llewellyn, Assistant City Engineer Scott Rickard, City Attorney James Murfin and City Clerk Tabitha Sharp.

**VISITORS**

Rick McNary	Numana	El Dorado, KS
Brad Meyer	220 E 1 <sup>st</sup>	El Dorado, KS
Kurt Bookout	220 E 1 <sup>st</sup>	El Dorado, KS
Tom Boren	220 E 1 <sup>st</sup>	El Dorado, KS
Marci Fugarino	220 E 1 <sup>st</sup>	El Dorado, KS
Ken Nakaten	220 E 1 <sup>st</sup>	El Dorado, KS
Jared Cobb	220 E 1 <sup>st</sup>	El Dorado, KS
John Stewart	220 E 1 <sup>st</sup>	El Dorado, KS
Linda Jolly	2100 N Pico Ct	El Dorado, KS
Andrew Kovar	Triplett, Woolf and Garretson, LLC	Wichita, KS
Julie Clements	El Dorado Times	El Dorado, KS
Bill Young	1751 E Lakeland Dr	El Dorado, KS
James Powell	323 W. Carr	El Dorado, KS
Rev. Brian Johnson	Hope Covenant Church	El Dorado, KS

**CALL TO ORDER**

Mayor McKibban called the December 20, 2010, City Commission meeting to order.

**INVOCATION**

Rev. Brian Johnson, Hope Covenant Church, opened the meeting with prayer.

**PLEDGE OF ALLEGIANCE**

Ms. Slayton, Worley and Carter’s third grade classes from Lincoln Elementary led the Pledge of Allegiance.

**PERSONAL APPEARANCE**

Rick McNary, Numana Inc., spoke about the packaging event will be held at the Civic Center on December 29, 2010 from 8 a.m. to 8 p.m. to celebrate a year of service.

Police Chief Tom Boren presented an Above and Beyond the Call Award to Detective John Stewart for his actions in preventing a break in at a local business and successfully apprehending one of the suspects.

**PROCLAMATION**

Mayor Tom McKibban read a proclamation declaring December 29, 2010 Numana Day in the City of El Dorado.

Police Chief Tom Boren also read a proclamation from the Character Council of the City Of El Dorado also honoring Numana.

**PUBLIC COMMENTS**

Mayor McKibban opened the floor for public comments.

James Powell, 323 W. Carr, questioned the budget amendments on the agenda, specifically the amount of the amendment for Prairie Trails Golf and Dining.

**CONSENT AGENDA**

1. Approval of the December 6, 2010 & December 15, 2010 City Commission minutes.

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

Commissioner Nick Badwey seconded the motion.

Motion carried 5-0.

**YOUTH COMMISSION BOARD APPOINTMENT**

Megan Morris has applied for a position on the El Dorado Youth Commission for a term ending June 30, 2011.

Commissioner David Chapin stated that her application meets all of the conditions of an appointment.

Commissioner Chapin moved to appoint Megan Morris to the El Dorado Youth Commission for a term ending June 30, 2011.

Commissioner Linda Clark seconded the motion.

Motion carried 5 – 0.

**DEFERRED FINES AND 2010 MISCELLANEOUS BILLING WRITE-OFFS**

Delinquent accounts owed the City of El Dorado need to be considered to be deemed uncollectible and removed from the accounts receivable records of the City, and a list delineating each amount should be attached to the minutes of this meeting. The deferred fines to be removed total \$28,154.02 and the miscellaneous billing amount to be removed is \$8,273.53. It is noted that of the total deferred fines being written off, \$383.02 is for restitution and \$2,587.00 for state fees that would be remitted to another party upon collection; therefore, that portion is not a loss of revenue to the City.

City Manager Herb Llewellyn stated that this is strictly an accounting function and the City will continue to pursue collection of these funds.

Mayor Tom McKibban asked what was included in the miscellaneous billing amount.

City Clerk Tabitha Sharp stated that it was primarily mowing orders and late charges.

Commissioner David Chapin asked what deferred fines referred to.

City Manager Llewellyn stated that deferred fines were those that an individual has promised to pay but has not done so.

Commissioner Nick Badwey moved to deem uncollectible the deferred fines accounts in the amount of \$28,154.02 for 2010, and miscellaneous billing accounts in the amount of \$8,273.53 owed to the City of El Dorado, to remove same from the accounts receivable records of the City, and that a list delineating each account be attached to the minutes of this meeting.

Commissioner Linda Clark seconded the motion.

Motion carried 5 – 0.

**2010 BUDGET AMENDMENT - SPECIAL ALCOHOL, PRAIRIE TRAILS GOLF AND DINING AND WATER UTILITY FUNDS**

There have been events this year that necessitate amending the 2010 budget. The Special Alcohol Fund must be amended in order to spend the full amount of the remaining funds that were allocated to agencies earlier this year. The Prairie Trails budget was based on the previous owner's budget and Kemper's expectations. Revenue was lower than expected and system maintenance was much higher. The Water Fund is being amended for 2010 expenditures related to the Water Treatment Plant generator project which were not anticipated during the original budget process.

City Manager Herb Llewellyn stated that the annual budget is set in August of the previous year and therefore it is necessary to amend the budget to account for unforeseen expenses.

City Manager Llewellyn stated that the Special Alcohol fund was amended due to a new interpretation of the state statute regarding those funds. The fund was short approximately \$1000 due to low collections. City Commission voted to grant all of the requests, and so the difference must be accounted for.

City Manager Llewellyn stated that it was anticipated that Prairie Trails would operate at a loss the first two years of operation under the City of El Dorado. City Staff did a budget based on those projections, but did not anticipate the replacement of the majority of kitchen equipment and a new building to house the golf carts.

City Manager Llewellyn conveyed that the generator project was not anticipated, thus the water fund needed to be amended as well. It was important to start on that project after receiving an offer from Frontier to pay for part of the cost.

Mayor Tom McKibban opened the public hearing for comments.

James Powell, 323 W. Carr, inquired about the current membership at Prairie Trails.

City Manager Llewellyn stated that he did not have the numbers, but he would get them.

Mr. Powell asked if a profit and loss statement for Prairie Trails was available to the public.

City Manager Llewellyn stated that it was available to the public.

Mr. Powell asked about the cost of the generator for the water plant.

Kurt Bookout, Director of Public Utilities, stated that it would be approximately \$250,000 for the generator and that the total project would cost about 2 million dollars with Frontier paying \$200,000.

Mr. Powell asked if the wind turbine was for this project.

Mr. Bookout clarified that they were two separate projects.

Mayor McKibban closed the public hearing.

Commissioner Linda Clark moved to approve the Amendments to the 2010 Operating Budget in the Special Alcohol, Prairie Trails Golf/Restaurant and Water Utility Funds, as presented.

Commissioner Shane Krause seconded the motion.

Motion carried 5 -0.

**2011 PROPOSED SALARY SCHEDULE**

Each year at this time, there is a resolution to establish the compensation and designation of various positions within the City of El Dorado.

Human Resources Director Marci Fugarino stated that the changes to the salary schedule included: the addition of the day after Thanksgiving as a City holiday, pay grade 88 separated into the two positions of Public Works Director and City Engineer, and the specification of rank for police and fire fighters grades 76, 67, 64 and 43.

Commissioner Nick Badwey moved that Resolution No. 2672, a resolution establishing 2011 salaries and wages paid to various employees of the City of El Dorado, and to allocate the various funds of said City, charges and debits for the payment of compensation of wages of all City officials and employees, be adopted.

Commissioner Shane Krause seconded the motion.

Motion carried 5 – 0.

**A RESOLUTION APPROVING THE TRANSFER OF A PROJECT FINANCED WITH THE PROCEEDS OF REVENUE BONDS - TNT**

The holder of the TNT IRB's is redeeming them. Commission is being asked to allow this to take place. Currently, the City is the owner of the property, with TNT as the leasee. In approving this action City Commission will be assigning the City's interest in the property to the bond holders. During the last meeting, Commissioners were told of a possible new business that was looking at taking over this facility. If that occurs, the Commission may be asked to issue new IRBs.

Andrew Kovar, Triplett, Woolf and Garretson, LLC, stated that Midland National Bank has agreed to take the project, terminate the bond documents and extinguish the debt.

City Manager Herb Llewellyn stated that City Staff has spoken with our bond counsel and they have approved the transaction.

Commissioner Shane Krause asked Mr. Kovar to explain what it meant to extinguish the debt.

Mr. Kovar stated that the debt is in a bond transaction owned by the City. The City and the trustee enter into an agreement that the trustee will pay the City the amount of the bond for the project. In this situation, TNT is unable to pay the debt and Midland National Bank has taken over the project, and the debt between the City and the trustee no longer exist.

Commissioner Nick Badwey asked if this would affect the City's bond rating.

Mr. Kovar stated that it would not.

Mayor Tom McKibban asked if the property would revert to the tax rolls if it another company did not take on the project.

City Manager Llewellyn stated that it would.

Commissioner Shane Krause moved that Resolution No. 2673, a resolution of the City of El Dorado, Kansas, approving the transfer of a certain project financed with the proceeds of revenue bonds of the City; recognizing the satisfaction of said revenue bonds; authorizing the execution and delivery of 1) a settlement agreement, 2) a special warranty deed, 3) a bill of sale, 4) a termination and release of lease, and 5) a satisfaction, discharge and release of indenture.

Commissioner Linda Clark seconded the motion.

Motion carried 5 – 0.

**FEDERAL FUND EXCHANGE PROGRAM**

The Federal Fund Exchange Program is a voluntary program that allows a “local public agency” to trade all or a portion of its federal fund allocation in a specific federal fiscal year with KDOT in exchange for state transportation dollars. City staff will present and explain program.

Assistant City Engineer Scott Rickard stated that the State of Kansas passed a new highway bill called T-works. This project gives cities a new avenue to receive money for a wider range of projects with fewer restrictions. This money can be used for any project that deals with transportation. The City can apply for this federal money if Commission agrees to give up the state funding. The City is currently eligible for \$37,000 for the months of October through December 31<sup>st</sup>. City Staff feel that a good project to apply this money to would be the intersection of Vine and Central.

City Manager Herb Llewellyn stated that City Staff are recommending this transition because of the flexibility of the program.

Mr. Rickard stated that we will still be available to apply for state funding for geometric improvement projects, transportation expansion and Klink funding. The only funding we are not eligible for is the bridge rehabilitation money or surface transportation.

Commissioner David Chapin clarified that we were not hurting ourselves by accepting this money.

Mr. Rickard stated that because of the flexibility of the new fund and the limitations on the old fund, this can only benefit us.

Mayor Tom McKibban asked if we would still be eligible for the ARRA funding used on Boyer road.

Mr. Rickard stated that the ARRA money is a completely different fund and does not apply to this.

City Manager Llewellyn stated that City Staff would put together a formal project for the Commission to sign off on.

**ADVANCE WARNING LIGHTS FOR SCHOOLS**

New advanced warning lights were installed in front of Oil Hill School. The same will be installed on 12<sup>th</sup> street at Country Club.

Assistant Director of Public Works Brad Meyer stated that the 12<sup>th</sup> street lights were being assembled as well as a set for 6<sup>th</sup> street. All of these lights are LED and solar powered.

Mayor Tom McKibban asked why the lights flashed during the noon hour.

Mr. Meyer stated that Skelly still had early release, and the schools have requested to leave the lights flashing during the noon hour.

**CANCELLATION OF THE FIRST CITY COMMISSION MEETING IN JANUARY 2011 – JANUARY 3, 2011**

Historically the City Commission of El Dorado has canceled the first meeting in January of each calendar year.

Commissioner Linda Clark moved that the first City Commission meeting in January, Monday, January 3, 2011 be canceled and that staff is authorized to release the

January checks after the finalized December appropriation ordinance is sent to the City Commission for review.

Commissioner Shane Krause seconded the motion.

Motion carried 5 – 0.

**NEW BUSINESS – DISCUSSION ITEMS**

Commissioner David Chapin thanked the Gardners for providing a good meal for the Youth Commission Christmas Party and wished everyone Happy Holidays.

Commissioner Nick Badwey encouraged everyone to remember the reason for the holiday season and to help those less fortunate.

Commissioners Linda Clark and Shane Krause echoed the holiday sentiments.

Commissioner Krause asked if the curb on 6<sup>th</sup> and Boyer can be painted.

City Manager Herb Llewellyn stated that staff would paint them when the temperatures improved.

Commissioner Krause also encouraged those responsible for the theft of some yard decorations to return them.

Mayor Tom McKibban wished everyone a Merry Christmas and Happy New Year. He also welcomed the two Commission candidates present for the meeting.

**CITY MANAGER’S REPORT**

**SEWER PROJECT UPDATE**

Assistant City Engineer Scott Rickard stated that the Public Utilities crews had inspected the line last week. Staff will be able to use cured in place pipe which is less expensive than other options. This will save the home owner approximately \$50,000.

City Manager Herb Llewellyn stated that they were also treating for roots and fixing taps.

Commissioner Shane Krause asked if we had the equipment or contracted out the work.

Mr. Rickard stated that the work would be contracted out.

**T-HANGARS**

Assistant Director of Public Works Brad Meyer stated that he is confident that more T-Hangars could be rented out at the airport. He provided the Commission with a plan for the new hangars.

Commissioner Krause asked how many Hangars would be provided.

Mr. Meyer stated that there would be ten in this phase and a full project proposal would be presented to the Commission at a later date.

**CEMETERY BUILDING**

Mr. Meyer presented a drawing of the new cemetery building at Sunset Lawns.

Commissioner Nick Badwey asked when the work could begin.

Mr. Meyer stated that we needed permission from the Commission.

Mayor Tom McKibban asked if they had received the final quote.

Mr. Meyer stated that they had given them the quote for the project during the last discussion.

Mayor McKibban asked if that quote was complete with the open end.

Mr. Meyer stated that the quotes included a building with the open end and without. The building cost was \$27,000, the open end \$11,000 and the concrete \$9,000. Insurance proceeds were \$21,000 and Frontier is providing \$8500 to \$9000 for the concrete work. The remaining cost of the project will come from something that is cut from the department's budget.

Commissioner Krause asked who would be performing the work.

Mr. Meyer stated that it will be a combination of inmate labor, city staff and some contracted work.

Commissioners Nick Badwey, Linda Clark and Shane Krause said to move ahead with the project.

**CHROMIUM IN WATER**

City Manager Llewellyn stated that there was an article in the Wichita Eagle stating that drinking water included Chromium and that cities did not test for it.

Director of Public Utilities Kurt Bookout stated that according to the water quality brochure, City of El Dorado does test for chromium and our levels so low that they are undetectable.

**CITY MILL LEVY**

Mayor McKibban asked if the County had reached a decision on the mill levy error yet.

City Manager Llewellyn stated that they had not.

**POLICE DEPARTMENT ACCOLADES**

Mayor McKibban congratulated the police department on their recent success with some burglaries.

Police Chief Tom Boren stated that the officers have done some extraordinary work clearing six burglaries and several thefts.

**ADJOURNMENT**

Commissioner Linda Clark moved to adjourn the meeting at 8:15 p.m.

Commissioner Shane Krause seconded the motion.

Motion carried 5-0.