

EL DORADO CITY COMMISSION MEETING MINUTES

January 13, 2003

The El Dorado City Commission met in regular session on January 13, 2003. The following were present: Mayor Connie Phillips, Commissioner Oral Taylor, Commissioner Betty Criss, Commissioner Brian Shepherd, Commissioner Brian L. Clites, City Manager Stan Stewart, Assistant City Manager Gus Collins, City Engineer David Wagner, City Clerk Janet L. Arnold, and City Attorney Mike Coash.

VISITORS

Jeanne Evans	512 Linda Lane	El Dorado, Kansas
Samantha Galley	3480 SE Bluestem Rd.	El Dorado, Kansas
Dustin Gurney	403 N. Star	El Dorado, Kansas
Bridget Imel	629 N. Atchison	El Dorado, Kansas
Matt Wagner	1025 Rim Rock	El Dorado, Kansas
Kevin Coash	2012 Chelsea Dr.	El Dorado, Kansas
Ashlyn Clites	1305 Glenview Dr.	El Dorado, Kansas
Chris Megredy	219 S. Taylor	El Dorado, Kansas
Katie Joyce	1005 Rim Rock	El Dorado, Kansas
Jessie Connell	1009 Skyview	El Dorado, Kansas
A.J. Howell	902 S. Denver	El Dorado, Kansas
Linda Swan	1403 Park Ave.	El Dorado, Kansas
Jerry Blount	131 Hillside	El Dorado, Kansas
Clarence Kerns	205 N. Orchard	El Dorado, Kansas
Stan Seymour	827 N. Washington	El Dorado, Kansas
Wayne Gurney	403 N. Star	El Dorado, Kansas
Lionel Tipton	1845 Terrace	El Dorado, Kansas
James Wehry	629 N. Atchison	El Dorado, Kansas
Mike Glendening	801 W. Cave Springs	El Dorado, Kansas
Jerry Mosier	100 S. Summit	El Dorado, Kansas
Bruce Harris	4843 SW Country Lane	El Dorado, Kansas

PLEDGE OF ALLEGIANCE

The following Lincoln Elementary School students along with their teacher, Ms. Jeannie Evans, led the audience and the Governing Body with the pledge of allegiance: Samantha Galley, Dustin Gurney, and Bridget Imel.

PERSONAL APPEARANCE

Youth Commission

Matthew Wagner, Chairman of the El Dorado Youth Commission appeared before the Governing Body to report on the recent activities of the Youth Commission. He then introduced Kevin Coash, Ashlyn Clites, and Chris Megredy, members of the Youth Commission. They each offered a brief summary of the items discussed such as youth involvement, programs, activities, businesses that provide youth activities. They also provided additional comments on local restaurants, the proposed movie theatre, and other youth related issues.

Jerry Blount

Mr. Jerry Blount, 131 Hillside, appeared before the Governing Body to express his concern regarding the City’s process of handling ordinance violations. He noted that, in his opinion, the City Manager should not be allowed to make the decisions on these violations. He further

stated that it did not seem fair that the City Manager could not only influence the Municipal Court Judge’s opinion on the violations, but that the City Manager hires the Judge.

City Attorney Mike Coash stated that it is the City Attorney’s duty to send violations to Municipal Court for prosecution and not the City Manager’s. He further stated that the Judge is hired by the City Manager as required by Kansas State Statutes. No further discussion.

CONSENT AGENDA

- A. Approval of the December 31, 2002 City Commission minutes.
- B. Approval of the January 8, 2003 Work Session minutes.
- C. Approval of Resolution No. 2408, a resolution providing for a Temporary Note for the Airport Drainage Project.
- D. Approval of the 2003 cereal malt beverage license application for Prime Time #16, 1702 West Central.

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

Commissioner Clites seconded the motion and it carried 5-0.

ORDINANCE NO. G-938 - REZONING REQUEST AT 300 W. CENTRAL

City Planning Coordinator Shaunna Johnson stated that the applicant, Clarence Kerns , a trustee at First Christian Church, is requesting to rezone the property located at 300 W. Central from C-1 General Business District and R-3 Multiple Family Dwelling District to C-2 Central Business District which would affect lots 1 and 3. The rezoning was requested so the east wall of the Church could be expanded to the property line. They want to expand the foyer and this is the only part of the property that will undergo changes. A C-2 zone allows a building to be built to the property line. The Planning Commission reviewed this case at their December 12, 2002, meeting and recommended approval of this request.

ORDINANCE NO. G-938

Commissioner Taylor moved that the request to rezone the property located at 300 W. Central from C-1 General Business District and R-3 Multiple Family Dwelling District, to a C-2 Central Business District be approved and that Ordinance No. G-938, an ordinance setting out the findings of the City of El Dorado in Rezoning Case No. 02-009, be adopted.

Commissioner Criss seconded the motion.

ROLL CALL

Position No. 1	Commissioner Oral Taylor	yes
Position No. 2	Commissioner Betty Criss	yes
Position No. 3	Commissioner Brian Shepherd	yes
Position No. 4	Commissioner Brian L. Clites	yes
	Mayor Connie Phillips	yes

ORDINANCE NO. S-1149 AND NO. S-1150
KANSAS GAS SERVICE – FRANCHISE ORDINANCES

Kansas Gas Service and the City have voluntarily agreed to renegotiate the franchise agreement. It will replace the current franchise ordinance. Mr. Bruce Harris of Kansas Gas Service appeared to address the Governing Body regarding the proposed franchise agreement and answer questions from the Governing Body or audience. Basically, this change allows the City to assess the franchise fees to those gas customers that are purchasing this fuel from other sources. Mr. Harris stated that only eleven customers are impacted. City staff recommended that the ordinance be effective January 1, 2004.

ORDINANCE NO. S-1149

Commissioner Clites moved that Ordinance No. S-1149, an ordinance requiring a franchise for transportation, distribution, and sale of natural gas and other energy through pipelines or distribution systems located in the City of El Dorado, and providing for exemption from such requirement for certain providers.

Commissioner Taylor seconded the motion.

ROLL CALL

Position No. 1	Commissioner Oral Taylor	yes
Position No. 2	Commissioner Betty Criss	yes
Position No. 3	Commissioner Brian Shepherd	yes
Position No. 4	Commissioner Brian L. Clites	yes
	Mayor Connie Phillips	yes

ORDINANCE NO. S-1150

Commissioner Clites moved that Ordinance No. S-1150, an ordinance granting to Kansas Gas Service a natural gas franchise and repealing previous ordinances of same.

Commissioner Taylor seconded the motion.

ROLL CALL

Position No. 1	Commissioner Oral Taylor	yes
Position No. 2	Commissioner Betty Criss	yes
Position No. 3	Commissioner Brian Shepherd	yes
Position No. 4	Commissioner Brian L. Clites	yes
	Mayor Connie Phillips	yes

RESOLUTION NO. 2409 - PROJECT NO. 1001 – PETITION FOR SIDEWALKS – WEST SIDE 400 BLOCK S. MAIN

The owners along the west-side of the 400 Block S. Main have requested sidewalk improvements. The Comprehensive Development Grant and Sales Tax will assist in the funding on this project.

RESOLUTION NO. 2409

Commissioner Taylor moved that the Petition and Report of Sufficiency be accepted and that Resolution No. 2409, a resolution of Advisability/Necessity Combined for Projects

No. 1001, be adopted, and that the City Manager be directed to negotiate a contract with Demo Construction for this work.

Commissioner Criss seconded the motion and it carried 5-0.

PROJECT NO. 988 – SANITARY SEWERS TO SERVE BANKS-WILLHITE FIRST ADDITION AND PROJECT NO. 994 – SANITARY SEWERS TO SERVE ADLESPERGER-SMITH ADDITION PHASE II

Mayor Phillips stated that the City Commission had directed that bids be taken on these two projects. Bids were taken and the low bid was below the Engineers Estimate.

ORDINANCE NO. S-1151

Commissioner Criss moved that Ordinance No. S-1151, the same being, "AN ORDINANCE AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY OF EL DORADO, KANSAS, IN AN AMOUNT NOT TO EXCEED \$46,500.00 and \$330,000.00 IN PAYMENT OF THE COST OR A PART OF THE COST OF PROJECT NO.994 AND 988 RESPECTIVELY, THEREIN DESCRIBED AND PROVIDING FOR THE ISSUANCE OF TEMPORARY NOTES PENDING THE ISSUANCE OF SUCH BOND," be placed on its passage and considered section by section.

Commissioner Clites seconded the motion.

ROLL CALL

Position No. 1	Commissioner Oral Taylor	yes
Position No. 2	Commissioner Betty Criss	yes
Position No. 3	Commissioner Brian Shepherd	yes
Position No. 4	Commissioner Brian L. Clites	yes
	Mayor Connie Phillips	yes

RECEIVING THE BIDS

Mayor Connie Phillips spread the bids for the record.

Project No. 994

Engineer’s Estimate	\$ 39,131.40
Alan’s Excavating	17,793.62
Banks Construction	18,696.94
Middlecreek Mining	20,521.80

Project No. 988

Engineer’s Estimate	\$286,807.80
Alan’s Excavating	132,074.64
Middlecreek Mining	187,714.80
Banks Construction	213,247.41

AWARDING THE CONTRACT

Commissioner Criss moved that as Alan’s Excavating has submitted the lowest and best bid for the combined bid for Project Nos. 994 and 998 and since their combined bid of \$149,868.26 was under the Engineer's Estimate, the City Manager be directed to award the

contract to said Contractor for the construction of said projects providing that the company furnishes the proper Statutory and Performance and Maintenance Bonds.

Commissioner Taylor seconded the motion and it carried 5-0.

REFUSE RATE INCREASE

Assistant City Manager Gus Collins explained that the 2003 Budget document provides for an increase in the refuse rate structure. The proposed rate increase is \$.75 for residential customers and a 5% increase to the commercial customers. Mr. Collins further stated that provided there are not any unexpected costs to the refuse system, such as significant increases at landfill, the proposed rate structure should remain constant through the year 2005.

City resident Mike Glendening, 801 W. Cave Springs, addressed the Governing Body regarding the proposed increases to the refuse system. He questioned the Governing Body for considering a rate increase and asked why the needed funds could not come from another source such as the sales tax.

City Manager Stewart explained that the landfill has increased their tipping charge per ton, therefore the approval of the proposal would pass that increase to the customers. Mr. Stewart further explained that the use of sales tax funds is designated by Ordinance. The use of this revenue could not be used for operating cost in the refuse fund.

Mr. Glendening stated that he would prefer to terminate the curbside recycling and make other changes to the refuse service to provide, in his opinion, better services and better rates.

Commissioner Shepherd stated that although he understands the need to generate more funds for the refuse fund, he would prefer to have the entire system reviewed. He stated that, in his opinion, there are ways to improve the refuse system, which would not only improve the services that are provided but the refuse rates as well.

ORINANCE NO. G-939

Commissioner Criss moved that Ordinance No. G-939, an ordinance providing an adjustment to the refuse rate structure, be approved.

Commissioner Clites seconded the motion.

ROLL CALL

Position No. 1	Commissioner Oral Taylor	yes
Position No. 2	Commissioner Betty Criss	yes
Position No. 3	Commissioner Brian Shepherd	no
Position No. 4	Commissioner Brian L. Clites	yes
	Mayor Connie Phillips	yes

BOARD APPOINTMENTS

RECREATION ADVISORY COMMITTEE

Commissioner Shepherd moved to reappoint Keith Balzer and Rick Smith to the Recreation Advisory Committee for a two-year term ending January 15, 2005 and to appoint Jane Squires and Shane Steinkamp to the Recreation Advisory Committee for the remainder of terms expiring on January 13, 2004.

Commissioner Clites seconded the motion and it carried 5-0.

MISCELLANEOUS

WORK SESSION

A work session was scheduled for Tuesday, January 21, 2003 at 11:30 a.m.

ADJOURNMENT

Interim City Clerk Shaunna Johnson

Mayor Connie Phillips

