

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 st	El Dorado, Kansas
Matt Rehder	220 E. 1 st	El Dorado, Kansas
Derick Karst	220 E. 1 st	El Dorado, Kansas
Kyle McLaren	220 E. 1 st	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 rd	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 th 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 th	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

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 & 6TH

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.

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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.

City Clerk Kendra Porter

Mayor Tom McKibban

