

**EL DORADO CITY COMMISSION MEETING**

**January 22, 2008**

The El Dorado City Commission met in regular session on January 22, 2008, at 7:00 p.m. in the Commission Room with the following present: Vice-Mayor Linda Clark, Commissioner David Chapin, Commissioner Steve Reynolds, Commissioner Steve Pershall, City Manager Herbert E. Llewellyn Jr., City Attorney Andrew Piekalkiewicz, Assistant City Engineer Scott Rickard and City Clerk Kendra Porter. Absent: Mayor Tom McKibban.

**VISITORS**

Julie Anderson	El Dorado Times	El Dorado, Kansas
Chaplin Mark Somerville	515 W. Locust	El Dorado, Kansas
Allen Cooley	532 Tenth	Towanda, Kansas
Bill Mason	1661 Arizona	El Dorado, Kansas
Brandi Erwin	505 Edgewood Ave.	Augusta, Kansas
Natalie & Tim Donges	2873 S.E. Hwy 54	El Dorado, Kansas
Jennie Turner	400 N. Topeka	El Dorado, Kansas
Lana Cronk	820 W. 2 <sup>nd</sup> Ave.	El Dorado, Kansas
Robin Gonzales	707 W. 13 <sup>th</sup>	El Dorado, Kansas
Bill O’Connell	337 N. Topeka	El Dorado, Kansas
Ray Connell	2520 Chase	El Dorado, Kansas
Jonathan Brickley	924 N. Topeka	El Dorado, Kansas
Larry Adams	1756 W. Third	El Dorado, Kansas
James Shinkle	824 N. Topeka	El Dorado, Kansas
Roy Voth	608 Plover	El Dorado, Kansas
Jeff Glaves	720 W. Tenth	El Dorado, Kansas
Doug Mitchell	1300 N. Topeka	El Dorado, Kansas
Roger Wieckhorst	835 S.E. Spires	El Dorado, Kansas
John Sebben	820 W. First	El Dorado, Kansas
Norma Johnson	812 W. Central	El Dorado, Kansas
Betty Kirkpatrick	718 W. Second	El Dorado, Kansas

**CALL TO ORDER**

Vice-Mayor Linda Clark called the January 22, 2008, City Commission meeting to order.

**INVOCATION**

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

**PLEDGE OF ALLEGIANCE**

Ms. Denise Carter’s Third Grade Class from Lincoln Elementary School led the Pledge of Allegiance.

**PERSONAL APPEARANCE**

Allen Cooley, 532 Tenth, Towanda, Kansas, Executive Director of the World War II History Center, currently located on the fourth floor of the Commerce Bank, updated the Commissioners of the Centers goals for 2008.

Bill Mason, 1661 Arizona, encouraged citizens to get involved with the World War II History Center.

**PUBLIC COMMENTS**

Vice-Mayor Linda Clark opened the floor for public comments.

With no one appearing, Vice-Mayor Linda Clark closed the public comment session.

**CONSENT AGENDA**

- a) Approval of the December 17, 2007, City Commission minutes.

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

Commissioner Steve Pershall seconded the motion.

Motion carried 4-0.

**TOPEKA STREET – DISCUSSION**

Vice-Mayor Linda Clark stated that at the December 3, 2007, City Commission meeting, Staff was directed to send letters to the Benefit District for the North Topeka Street paving project. The letters were sent and the property owners were notified of their potential estimated cost for building a standard City Street with curbs and gutters or resurfacing the current street. Vice-Mayor Linda Clark stated that the City Commission requested feedback from the benefit district, and had only a few responses. In addition, the City Commission asked the benefit district to attend tonight to voice concerns and comments with the Commission.

Tim Donges, 2873 S.E. Hwy 54, stated that he was opposed to paving Topeka Street.

Roger Wieckhorst, 835 S.E. Spires Road, expressed his concerns regarding the paving of Topeka Street.

Natalie Donges, 2873 S.E. Hwy 54, expressed her concerns regarding the paving of Topeka Street. Ms. Donges also read a prepared statement from Patrice Humig, 1616 North Topeka, expressing her concerns regarding Topeka Street.

City Manager Herb Llewellyn explained that property owners have the opportunity to petition out and stop the project from proceeding.

Jonathan Brickley, JCI Rental Manager, expressed his concerns regarding the cost of resurfacing Topeka Street.

James Shinkle, 824 North Topeka, addressed his concerns regarding the paving of Topeka Street.

Roy Voth, 608 Plover, stated that he owns rental property on North Topeka, and addressed his concerns regarding the paving of Topeka Street.

Jeff Graves, 720 West Tenth Avenue, asked for clarification on why the City wanted to widen Topeka Street.

Assistant City Engineer Scott Rickard stated that it is for future development of the area, and the Comprehensive Plan has identified Topeka Street as a collector street.

Doug Mitchell, 1300 North Topeka, inquired if Coastal Refinery had a vote on paving Topeka Street, and if they did what would be the impact to the residents of Topeka Street.

Assistant City Engineer Scott Rickard stated that Coastal Refinery is not within the City limits and would not have a vote as to whether Topeka Street is paved.

Roger Wieckhorst, 835 S.E. Spires, asked for clarification of residency requirements to sign a petition.

City Manager Herb Llewellyn explained that the State requirement indicates property owners must reside in the city limits.

Natalie Donges, 2873 S. E. Hwy 54, inquired on the future plans for a Trafficway and if there would be any grant money for the project.

Assistant City Engineer Scott Rickard stated that applications have been submitted; however, the prospect of receiving grant money does not look promising.

Larry Adams, 1756 West Third, stated that Topeka Street should be repaired reasonably until future expansion would require a wider street.

Discussion ensued amongst City Manager Herb Llewellyn and the Commissioners regarding the paving of North Topeka Street.

Commissioner Steve Reynolds moved to table this item until the February 4, 2008, City Commission meeting.

Commissioner David Chapin seconded the motion.

Motion carried 3-0-1. (Commissioner Steve Pershall abstained)

**BG SPECIAL USE PERMIT TO ALLOW PETROLEUM AND COAL PRODUCTS ON PROPERTY ZONED I-1 LIGHT DISTRICT (CASE NO. 07-013-SUP)**

Vice-Mayor Linda Clark stated that the applicant, BG Products, is requesting a Special Use Permit to allow petroleum and coal product production on property commonly referred to as the Pierpoint property.

Ray Connell, 2520 Chase, counsel for BG Products, stated that at the December 27, 2007, 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 to 0.

**ORDINANCE NO. G-1016**

Commissioner Steve Pershall moved that the recommendation of the Planning Commission to approve Case No. 07-007-SUP requesting a Special Use Permit to allow Petroleum and Coal Products production on land zoned I-1 Light Industrial District be accepted and that Ordinance No. G-1016 be approved.

Commissioner David Chapin seconded the motion.

**ROLL CALL**

Position No. 4	Commissioner David Chapin	Yes
	Mayor Tom McKibban	Absent
Position No. 1	Commissioner Steve Reynolds	Yes
Position No. 2	Vice-Mayor Linda Clark	Yes
Position No. 3	Commissioner Steve Pershall	Yes

**PROJECT NO. 298-2008 SALES TAX CURB AND GUTTER AND DRIVEWAY REHABILITATION**

Vice-Mayor Linda Clark stated that the Commission established this date for a Public Hearing on Project No. 298, which is proposed to be included in the 2008 Sales Tax Program projects.

Assistant City Engineer Scott Rickard stated that this action is required because the property owners will be assessed for a portion of this work. A letter was mailed to each property owner notifying them about their proposed costs and the date established for the public hearing.

**2008 SALES TAX PROJECT** – the proposed project funded with the 2008 Sales Tax is as follows:

Project No. 298– curb and gutter and driveway rehabilitation on McCollum Road (Country Club to Potters Court), Adams Court, Murray Court and Weber Court.

**PUBLIC HEARING**

Vice-Mayor Linda Clark opened the public hearing.

With on one appearing, Vice-Mayor Linda Clark closed the public hearing.

**RESOLUTION NO. 2595**

Commissioner Steve Pershall moved that Resolution No. 2595, 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 for Project No. 298, be adopted, and authorize the City Manager to prepare plans and take bids on this project.

Commissioner Steve Reynolds seconded the motion.

Motion carried 4-0.

**APPLICATION TO REZONE PROPERTY FROM C-1 GENERAL BUSINESS DISTRICT TO R-3 MULTIPLE-FAMILY DWELLING DISTRICT (CASE NO. 07-008-REZ)**

Vice-Mayor Linda Clark stated that the applicant, Sawyer Memorial Homes, is requesting property located at 115 N. Jones, 117 N. Jones, 150 Eunice, and the alleyway running between Jones Street and 150 Eunice, be rezoned from C-1 General Business District to R-3 Multiple-Family Dwelling District.

Assistant to the City Manager Matt Rheder stated that at the December 27, 2007, Planning Commission meeting, after review of the facts in the case and the information submitted at the public hearing, the Planning Commission approved the rezoning application by a vote of 7 to 0. Mr. Rheder further stated that this rezoning allows for future development.

**ORDINANCE NO. G-1017**

Commissioner Steve Reynolds moved that the recommendation of the Planning Commission to approve Case No. 07-008-REZ requesting a rezoning of certain property located at 115 N. Jones, 117 N. Jones, 150 Eunice, and the alleyway running between Jones Street and 150 Eunice, be accepted and that Ordinance No. G-1017 be approved.

Commissioner Steve Pershall seconded the motion.

**ROLL CALL**

Position No. 2	Vice-Mayor Linda Clark	Yes
Position No. 3	Commissioner Steve Pershall	Yes
Position No. 4	Commissioner David Chapin	Yes
	Mayor Tom McKibban	Absent
Position No. 1	Commissioner Steve Reynolds	Yes

**ISLAND ANNEXATION OF PROPERTY**

Vice-Mayor Linda Clark stated that local property owners have petitioned the City of El Dorado to annex a parcel of their land into the City of El Dorado city limits. This property is north of the Country Club Addition and west of the El Dorado Lake. Since the property owners requested annexation, the City passed a resolution on November 19, 2007, to begin the annexation proceedings. The Butler County Commission approved this action at their December 18, 2007, meeting.

City Manager Herb Llewellyn stated that the Mayor had requested to have this property annexed and this ordinance will finalize the annexation process.

**ORDINANCE NO. G-1018**

Commissioner David Chapin moved that Ordinance No. G- 1018, an ordinance annexing land to the City of El Dorado, Kansas, be approved.

Commissioner Steve Pershall seconded the motion.

**ROLL CALL**

Position No. 1	Commissioner Steve Reynolds	Yes
Position No. 2	Vice-Mayor Linda Clark	Yes
Position No. 3	Commissioner Steve Pershall	Yes
Position No. 4	Commissioner David Chapin	Yes
	Mayor Tom McKibban	Absent

**APPLICATION TO REZONE PROPERTY FROM R-1 RESIDENTIAL-LOW DENSITY DISTRICT TO C-1 GENERAL BUSINESS DISTRICT (CASE NO. 07-007-REZ)**

Vice-Mayor Linda Clark stated that the applicant, Susan B. Allen Hospital, is requesting the lot located at 205 North Topeka be rezoned from R-1 Residential-Low Density District to C-1 General Business.

Assistant to the City Manager Matt Rehder stated that at the December 27, 2007, Planning Commission meeting, after review of the facts in the case and the information submitted at the public hearing, the Planning Commission voted to deny the application by a vote of 7 to 1. Mr. Rehder further stated that it would be a spot zone, and a storage unit would be out of structure for that area.

Discussion ensued amongst City Manager Herb Llewellyn and the City Commissioners regarding this address.

John Sebben, 820 West First, addressed his concerns regarding the rezoning of this property.

Norma Johnson, 812 West Central, read a prepared statement regarding the rezoning of the property located at 205 North Topeka.

Betty Kirkpatrick, 718 West Second, stated that she appreciates the hospital, but does not feel the hospital's growth has benefited her neighborhood.

**CASE NO. 07-007-REZ**

Commissioner David Chapin moved to deny Case No. 07-007-REZ requesting a rezone of the lot located at 205 N. Topeka from R-1 Residential-Low Density District to C-1 General Business District, for reasons stated in the staff report and heard at this meeting.

Commissioner Steve Pershall seconded the motion.

Motion carried 4-0.

**ADVISORY BOARDS AND COMMITTEES POLICY AMENDMENT**

Vice-Mayor Linda Clark stated that on April 15, 2002, the City Commission approved the current procedures for the City's advisory boards and committees. Previously, new applications had no time limit for submission, and reappointments had to be submitted 30 days prior to the re-appointment date. Staff suggests the submission time for applications and reappointments be changed to the same amount of time of 14 days.

City Manager Herb Llewellyn stated that there is also an option to amend the number of meetings for the discussion of applicants. City Manager Llewellyn further requested to change the language to consider committee member applications at any meeting not necessarily just at work sessions.

Commissioner David Chapin inquired if there should be a time limit for submission of applications for Advisory Boards and Committees.

Discussion ensued amongst City Manager Herb Llewellyn and the City Commissioners regarding the elimination of time limits.

Commissioner Steve Reynolds moved to accept Staff's recommendation to amend the Standard Procedures for City Advisory Boards and Committees.

Commissioner Steve Pershall seconded the motion.

Motion carried 3-1. (Commissioner David Chapin opposed)

**BOARD APPOINTMENTS**

Vice-Mayor Linda Clark stated that the City Commission appoints members to various advisory boards. There are no applicants for the Convention & Tourism Committee. The Recycling Committee had a member resign; this position needs replaced.

**RECREATION ADVISORY BOARD – NO TERM LIMITS (2-YEAR TERM)**

Commissioner Steve Reynolds moved to appoint Jane Squires, Doug Bell and Troy Morrell to the Recreation Advisory Board for a term set to expire January 15, 2010.

Commissioner Steve Pershall seconded the motion.

Motion carried 4-0.

**RECYCLING ADVISORY COMMITTEE**

Commissioner David Chapin moved to appoint Kathie Monroe to the Recycling Advisory Committee for a partial term ending May 1, 2008.

Commissioner Steve Pershall seconded the motion.

Motion carried 4-0.

**NEW BUSINESS – DISCUSSION ITEMS**

Vice-Mayor Linda Clark opened the floor for Commissioners' comments.

Commissioner David Chapin thanked the Street Department for their efforts in making the streets safe in last night's ice storm. Commissioner Chapin reminded everyone of all the fine El Dorado citizens that make our community the wonderful city it is today.

Commissioner Steve Pershall inquired if our Compliance Officer has spoken with anyone at the Lawndale apartments regarding some maintenances issues.

City Manager Herb Llewellyn stated that our Compliance Officer Christy Beaman will address the issues.

Commissioner Steve Pershall inquired if everything was taken care of regarding the error of past due bills that were sent to the State.

City Manager Herb Llewellyn state that everything was taken care of and of the three people notified, only one had a legitimate complaint.

Commissioner Steve Pershall and Commissioner Steve Reynolds expressed their condolences to the families of Galen Blackmore and Charles Heilman.

Vice-Mayor Linda Clark stated that recently while in Kansas City she met a couple who traveled from Texas to Kansas City. During their travels, they stopped in El Dorado and received wonderful hospitality at the Holiday Inn Express, JBrian's Pub, and all the people they met were friendly.

Vice-Mayor Linda Clark closed the Commissioners' comments.

**CITY MANAGER'S REPORT**

- 1) City Manager Herb Llewellyn stated that the State has changed the seat belt regulations, and the Police department is observing the changes.
- 2) City Manager Herb Llewellyn stated that on Thursday some employees are going to Topeka for City Hall Day.
- 3) City Manager Herb Llewellyn stated that a luncheon will be held next Tuesday with the Lake Corp of Engineers.
- 4) City Manager Herb Llewellyn updated the Commissioners on a meeting with the County regarding the Senior Center.

**ADJOURNMENT**

Commissioner David Chapin moved to adjourn the meeting at 8:53 p.m.

Commissioner Steve Pershall seconded the motion.

Motion carried 4-0.

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City Clerk Kendra Porter

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Vice-Mayor Linda Clark