

EL DORADO CITY COMMISSION MEETING MINUTES

February 1, 1999

The El Dorado City Commission met in regular session on February 1, 1999 at 7:30 p.m. with the following present: Mayor Edward L. Blake, Commissioner Larry Dale Crawford, Commissioner Betty J. Kirkpatrick, Commissioner Connie Phillips, Commissioner Don Storrer, City Manager Stan Stewart, Director of Administration Gus Collins, City Engineer Bruce Remsberg, City Clerk Dee Anne Grunder, and City Attorney Mike Coash.

VISITORS

Brian Clites	1305 Glenview	El Dorado, Kansas
Randy Wells	2430 Adams Court	El Dorado, Kansas
Jim Miller	345 Hunton Road	El Dorado, Kansas
Mark A. Johnson	1418 W. Fifth	El Dorado, Kansas
Neil T. Buckman	737 Harvard	El Dorado, Kansas
Bill Burtchet	810 N. Washington	El Dorado, Kansas
Dennis Cooke	307 N. Star	El Dorado, Kansas
Freda Groves	1155 Skelly	El Dorado, Kansas
Enos Groves	1155 Skelly	El Dorado, Kansas
Dennis Stricklin	1720 Payton Circle	El Dorado, Kansas
Sheryl Stricklin	1720 Payton Circle	El Dorado, Kansas
Richard Hodsall	1618 W. Fifth	El Dorado, Kansas
Bill Thompson	305 Oil Hill Road	El Dorado, Kansas
Bill Cummins	1816 Country Club Road	El Dorado, Kansas
Don Ward	1962 Country Club Road	El Dorado, Kansas
Jay J. Johnson	1230 N. Topeka	El Dorado, Kansas
Barbara Dankert	1631 Sherrylee Lane	El Dorado, Kansas
Oral Taylor	1504 W. Ash	El Dorado, Kansas
Earle F. Miller	803 S. Star	El Dorado, Kansas
Stan Seymour	827 N. Washington	El Dorado, Kansas
Jan Seymour	827 N. Washington	El Dorado, Kansas
Frank E. Wartick	2310 SW 63 rd Terrace	El Dorado, Kansas
Bill Higgins	924 Delmar	El Dorado, Kansas
Jerry Mosier	405 Frazier	El Dorado, Kansas
Donald Adlesperger	2048 SW 40 th	El Dorado, Kansas
Gary Taylor	720 Oak	El Dorado, Kansas
Rodney Reynolds	705 Park	El Dorado, Kansas
Charles Green	623 S. Alleghany	El Dorado, Kansas
Mike Glendening	801 W. Cave Springs	El Dorado, Kansas
Mike Dorrell	1012 N. Taylor	El Dorado, Kansas

CONSENT AGENDA

A. Approval of the January 18, 1999 City Commission minutes.

B. Approval of Appropriation Ordinance No. 99-01 in the amount of \$961,814.69.

Administration	\$ 49,531.94	El Dorado Senior Ctr.	3,547.10
Engineering	20,890.63	Major Street Impv.	31,071.04
Legal/Judicial	11,860.21	Cemetery Fund	7,720.26
Police Department	99,014.36	Bradford Memorial	19,182.95
Hazmat	319.81	Employee Benefits	31,024.02
Fire Division	48,781.88	Industrial Mill Levy	8,562.50
Bldg./Zoning	4,083.12	Self Insurance	720.00
Public Works	19,128.22	Sales Tax Fund	1,326.18

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Forestry	4.75	Youth Development	16.39
Park Maintenance	6,753.13	Tourism Tax Fund	6,933.67
Street Lights	14,053.44	Construction Fund	147,004.50
Health/Sanitation	5,514.02	Bond and Interest	157,811.25
Recreation	12,000.34	Water Fund	110,834.88
Swimming Pool	1,525.89	Sewer Fund	41,203.50
Youth Center	1,174.40	Refuse Fund	58,732.87
Recreation	40.00	External Stores	13,577.81
Airport Fund	4,933.96	Data Processing	17,286.67
Family Life Center	5,649.00	TOTAL	\$ 961,814.69

Commissioner Storrer moved the Consent Agenda, as presented, be approved.

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

PROPOSED NEW STREET POLICY

Mayor Blake stated that City staff provided a brief overview of a proposed new street policy at the last City Commission Meeting. The City Commission then desired public input regarding this new program. The public is invited to submit questions and comments to the Commission at this time. After public input, City Commission can then consider a motion to adopt this new policy. The proposed motion provides for approval of this program, if the Commission desires.

PUBLIC HEARING

Mayor Blake then opened the public hearing.

City Manager Stewart stated that many of the streets within the City have not been paved to City standards under current street policy. Two or three years ago the Governing Body requested City staff to come up with a plan that is consistent, fair and affordable. City staff's proposal is to provide a 2" overlay to the streets that have not yet been paved or assessed. To be eligible for this, the property owners must sign a petition before the overlay is applied and agree to have their street paved in the future to meet the City standards. A petition would be deemed sufficient in one of three ways: 51% of the property owners, 51% of the resident property owners, or 51% of the property itself.

Mr. Bill Thompson, 305 Oil Hill Road, questioned whether the City would continue to maintain the road should the property owners decide not to utilize the new policy.

City Manager Stewart stated that the City would continue the maintenance on the street as they have in the past. If the City's maintenance level of the street is too high then the City is spending too much money and property owners would never want it paved. It is the City Commission's overall goal to have all City streets meet City standards. Once the street is paved to City standards, the City would be responsible for maintenance.

Mr. Thompson then questioned whether the truck route would be removed should the street be improved to meet City standards.

City Manager Stewart stated that should the street be paved, it would be maintained the same as the other streets.

Mr. Thompson then questioned whether the State and the church that own some of the property on Oil Hill would be assessed the same as other property owners.

City Manager Stewart stated that since they are property owners, they will be assessed the same as any other property owner.

Mr. Don Adlesperger, 2048 SW 40th, questioned whether the petition requirements are the same for major streets as residential streets.

City Manager Stewart confirmed the petition requirements are the same.

Mr. Adlesperger stated that he does not believe there would ever be a majority of the property owners that would sign the petition. He asked why not allow the residents to pay for the 2" overlay and forget about bringing to City standards.

Mayor Blake stated, and City Engineer Remsberg confirmed, that it is current City policy that residents may petition in a 3" overlay.

Mr. Adlesperger then asked why not apply sales tax money to these streets since the businesses along them generate much of the sales tax that is collected.

Commissioner Kirkpatrick questioned whether Mr. Adlesperger believed it should be only major streets to which the proposed policy apply. She stated that in her opinion all residents should be given the same opportunity whether it is a major street or not.

Commissioner Phillips questioned whether Mr. Adlesperger is in favor of current City policy or whether the City should advertise more about the availability to petition a 3" overlay.

Mr. Adlesperger stated that advertising could possibly help or he suggested the City consider paying half.

Mayor Blake stated that should the City pay half of the overlay, it would not be fair to other property owners that have petitioned in their street and paid for the improvements. If the City began to pay half of the overlay, there would never be a street petitioned in.

City Manager Stewart stated that City staff is optimistic about the number of residents that will wish to be a part of the program. He noted that City staff strives to be fair to all property owners, therefore requiring all streets to be petitioned in. The Governing Body's overall goal is to have all streets meet City standards and not just paved.

Mr. Stan Seymour, 827 N. Washington, appeared before the Governing Body and requested a clarification regarding the property owner being responsible for 31' of the street.

City Manager Stewart clarified that it is 31' of asphalt, curb and gutter, back to back.

Mr. Seymour asked what the costs of the assessments would be.

City Engineer Remsberg stated that should the City Commission move to go ahead with this plan, letters would be sent to property owners informing them of the public hearing. The estimated property owner's costs would be compiled and provided to the property owners for their review before they sign the petition.

Mr. Seymour stated that should the property owners decide they do not want the overlay, could that cost be applied to their portion of the improvements.

Commissioner Crawford stated that in his opinion it could be considered, since it would be the same cost to the City.

Mr. Jim Miller, 345 Hunton, stated that he had never heard that property owners had the ability to pay for a 3" overlay.

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City Manager Stewart stated that this has been the City's policy since 1975.

Mr. Miller then questioned why some of the streets within the City are lasting longer than others.

City Engineer Remsberg stated that the new streets would have the full depth of asphalt of 9". The streets that have been repaved with sales tax funds were paved with the same depth of asphalt as they were originally.

Mr. Jay Johnson, 1230 N. Topeka, appeared before the Governing Body to state that he wants to know, prior to signing a petition, what the costs would be so he can determine if it is affordable.

Commissioner Phillips stated that he would be informed of the costs before the petition is signed.

City Manager Stewart stated that the costs could be less than the amount that was disclosed at the time the petition was signed, but the cost would not be more.

Mr. Johnson then asked if notifications would be sent to all property owners and how is that determined.

City Manager Stewart stated that all property owners within half a block would receive notification.

Mr. Johnson then questioned the cost of maintaining streets on an annual basis.

City Manager Stewart noted that the cost is unknown.

Mr. Johnson questioned the projected start date of this project.

City Manager Stewart noted that it is anticipated that the 2" overlay would be applied during the summer of 1999. The improvements would be scheduled in future years.

Mr. Johnson then asked whether the cost of the 2" overlay and the maintenance costs could be applied to the improvements.

City Manager Stewart stated that this would be an item the Governing Body would need to address with the property owners.

Mr. Enos Groves, 1155 Skelly, stated he does not want to have the excess sales tax money used for the 2" overlay on the proposed streets. In his opinion, it is not fair to apply sales tax funds to the 2" overlay on the proposed streets, since this was not done in the past on other streets such as Towanda Avenue.

Commissioner Phillips asked Mr. Groves if he would agree with the City utilizing City at large funds for the 2" overlay and not sales tax money.

Mr. Groves said his primary objection was utilization of the sales tax funds.

Mr. Bill Burchett, 810 N. Washington, stated that his street had a 4" overlay approximately 25 years ago. In his opinion, if a 4" overlay could last approximately 25 years, then a 2" overlay should last more than three or four years.

Mr. Mike Glendenning, 801 W. Cave Springs, asked why the decision would have to be made during this meeting.

City Manager Stewart noted that a decision does not have to be made at this meeting. The impact this project would have on the workload is important to know as soon as possible in order to help keep costs down and not have to postpone the project another year.

Mr. Glendenning believes there is more than one solution for paving the proposed streets. He would like to have them paid for with the sales tax money.

Commissioner Phillips stated that she agreed with Mr. Glendenning that there could possibly be more than one solution for paving these streets. A possibility would be to develop a committee or task force to help provide a solution. Ms. Phillips then asked Mr. Glendenning to clarify what he wanted paid for with sales tax funds.

Mr. Glendenning stated he was referring to the streets that had not yet been improved.

Mayor Blake noted that when the sales tax referendum passed, street repair was the issue the voters approved. Construction of new streets was not part of the referendum.

Mr. Glendenning stated that the City offering to provide the 2" overlay to the street is not an incentive for him to petition to have his street improved.

Mr. Glendenning then asked who would be responsible for maintenance after the 2" overlay is applied.

City Manager Stewart stated that according to the agreement, the City would be responsible.

Mr. Glendenning then questioned the funding of Woodland Street, adjacent to East Park, and whether any of the property owners were assessed for that 2" overlay. He stated that in his opinion, the City uses two different standards regarding the streets, one for the City and one for the other property owners.

City Engineer Remsberg stated that the City paid for the 2" overlay, partially from the parks fund, and no other property owners were assessed. It was the opinion of the City that since the City owned the majority of the land adjacent to the street, and that it would be an improvement to East Park, that the City would fund the entire cost of the overlay. Mr. Remsberg then noted that any property owner could fund the entire cost of the overlay to their street.

Mr. Glendenning then addressed Director of Administration Gus Collins regarding whether sales tax funds were used for the overlay on Woodland Street.

Mr. Collins stated that he recalled using monies from the Parks Fund but did not recall ever using sales tax funds.

Mr. Glendenning then questioned why the Governing Body would consider using any portion of the sales tax funds for new street construction when the pamphlets distributed during the time of the sales tax referendum noted that the specific uses were guaranteed. On the other hand, he noted, the pamphlet also stated the sales tax would be used for construction and maintenance.

Commissioner Kirkpatrick noted that the ordinance that was originally passed stated construction and maintenance. Had she realized earlier that the ordinance stated construction she would have requested it be changed to read rehabilitation construction with the intention of being used for streets that the property owners had already paid taxes on.

Mr. Jack Swafford, 1974 Country Club Road, requested a guarantee that the City would not reroute traffic down Country Club Road should there be a flood.

City Manager Stewart stated that whether Country Club Road is left the way it is currently or it is paved to meet City standards, the traffic would still probably be rerouted on Country Club Road in the event of a flood, since it is the most logical.

Mr. Swafford then noted that, in his opinion, the City does not maintain Country Club Road properly. He would prefer to have the street improved and not have the 2" overlay.

Mr. Oral Taylor, 1504 W. Ash, appeared before the Governing Body to offer a couple suggestions. He believes that for the streets, in which the property owners are ready to make improvements, it would be more beneficial to the City and the property owners to apply the cost of the overlay to the property owners' cost of the improvement. Secondly, he noted that, in his opinion, there is no need for City staff to provide costs for the projects until approached by the property owners. Mr. Taylor then noted his suggestion is to use the sales tax money for the overlay. For those property owners that choose to improve their streets now, use the sales tax money instead of increasing the mill levy.

Commissioner Kirkpatrick stated that in her opinion utilizing the sales tax money for street improvements such as the proposal in question would not go along with the original intent of the sales tax. This in turn could jeopardize the sales tax altogether.

Mr. Taylor noted that it has always been his opinion and still is that a portion of the sales tax money could be used for maintenance or rehabilitation of unpaved streets. Although this may not be the way the sales tax referendum was originally voted on, it could be changed in the future.

Mr. Stan Seymour then requested that the City use the Parks Fund for Forest Park, the same way it was used for East Park.

Mr. Earl Miller, 803 S. Star, stated that the City has not maintained his improved street properly. He questioned the plan the City has in maintaining the proposed 2" overlay.

City Manager Stewart stated that there is a specific schedule that is used for maintenance of city streets.

Mr. Glendening then questioned whether the figures that were given him regarding Oil Hill included interest.

City Engineer Remsberg stated that there would be interest added to the figures that he was given, should the property owner decide to pay for it over a ten-year period.

Mr. Jay Johnson asked what the options would be when the proposal is presented.

City Manager Stewart answered that the property owners would have the option of signing the petition or not.

Mr. Johnson then asked whether the property owner could by-pass the 2" overlay and have a regular petition for standard improvements.

City Manager Stewart stated that at any time the property owners could submit a petition for standard street improvements. They are not obligated to the overlay.

Mr. Johnson then asked whether the City could get more involved in the cost of the streets such as Oil Hill Road that are major arterial streets in El Dorado.

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City Manager Stewart noted that the City at large would be responsible for the increased amount due to the high traffic volume, such as thicker asphalt or a wider street. The property owners would only be responsible for the normal costs.

Mr. Jim Miller then asked how the cost of the overlay would be funded.

The Governing Body responded that the funding had not yet been determined.

Mr. Charlie Green, 623 S. Alleghany, questioned whether the 2" overlay would be sufficient on all the streets. He believes that some areas would have water problems due to the runoff water from the streets.

City Engineer Remsberg stated that the proposed plan is merely a concept. The City would have to do whatever it takes to make it work correctly.

Mr. Bill Thompson stated that had he known at the time of the sales tax referendum that his street would not receive any of the funds for maintenance, he would not have voted for the sales tax. He further stated that should the next sales tax referendum also not include maintenance, he would not vote for it.

Mayor Blake then declared the public hearing closed.

Commissioner Phillips stated that she is hesitant to adopt a policy with so many unknown factors.

After further discussion, Commissioner Crawford moved to direct the City staff to prepare a resolution for a new street improvement policy providing for a program to improve nonconforming streets, and to request the sales tax committee's recommendation.

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

ENTERPRISE ZONE

Mayor Blake stated that the proposed resolution provides for the continuation of the State's Economic Incentive Program through the renewal of the Enterprise Zone. This designation designates the entire county to be deemed within the enterprise zone.

RESOLUTION NO. 2206

Commissioner Kirkpatrick moved that Resolution No. 2206 "CONFIRMING SUPPORT FOR THE QUALIFYING REGIONAL STRATEGIC PLAN AND REQUESTING THAT THE SECRETARY OF COMMERCE & HOUSING RE-APPROVE THE COUNTY OF BUTLER AS A KANSAS ENTERPRISE ZONE DESIGNATED NON-METROPOLITAN REGION."

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

1999 SALES TAX STREET PROGRAM

PROJECT NO. 904

The streets involved in this project are Residence Street and Orchard Street (Central to Third); Ohio Street (Second to Third); First Avenue (Orchard to Residence) and (Arthur to Ohio); Second Avenue (Orchard to Residence)

ORDINANCE ISSUING BONDS S-1064

Commissioner Phillips moved that Ordinance No. S-1064, the same being, "AN ORDINANCE AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY OF EL DORADO, KANSAS, IN AN AMOUNT NOT TO EXCEED \$80,000.00 IN PAYMENT OF THE COST OR A PART OF THE COST OF PROJECT NO.904, 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 Storrer seconded the motion.

ROLL CALL

Mayor Edward L. Blake	yea
Commissioner Larry Dale Crawford	yea
Commissioner Betty J. Kirkpatrick	yea
Commissioner Connie Phillips	yea
Commissioner Don Storrer	yea

RECEIVING THE BIDS

Mayor Edward L. Blake spread the bids for the record.

Engineer's Estimate	\$ 255,886.92
Asphalt Construction Company	224,603.08
Central Paving	235,636.05
Ritchie Paving	284,567.68

AWARDING THE CONTRACT

Commissioner Storrer moved that as Asphalt Construction Company has submitted the lowest and best bid for Project No. 904 and since their bid of \$ 224,603.08 was under the Engineer's Estimate, that the contract be awarded to Asphalt Construction Company and that the City Manager be directed to enter into a contract with said Construction Company for the construction of said projects providing that the company furnishes the proper Statutory and Performance and Maintenance Bonds.

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

PROJECT NO. 881

This is the KLINK Repaving Project of Main Street from the South railroad overpass North to Fourth Avenue.

RECEIVING THE BIDS

Mayor Edward L. Blake spread the bids for the record.

Engineer's Estimate	\$ 177,746.72
Asphalt Construction Company	179,708.09
Central Paving	181,251.55
Ritchie Paving	184,530.30

City Engineer Remsberg stated that this contract is in metric units. KDOT requires English units. Mr. Remsberg noted that he converted from metric to English incorrectly,

therefore his estimate is low. He recommended approval of the bid of Asphalt Construction Company.

AWARDING THE CONTRACT

Commissioner Crawford moved that as Asphalt Construction Company has submitted the lowest and best bid for Project No. 881 in the amount of \$179,708.09, that the contract be awarded to Asphalt Construction Company and that the City Manager be directed to enter into a contract with said Construction Company for the construction of said projects providing that the company furnishes the proper Statutory and Performance and Maintenance Bonds.

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

PLANNING COMMISSION RECOMMENDATIONS

SPECIAL USE PERMIT FOR AN APARTMENT AT 206 S. MAIN

Mayor Blake stated that at their January 14, 1999 meeting, the Planning Commission held a hearing on a request for a Special Use Permit for an apartment at 206 S. Main. After this hearing the Planning Commission recommended to the City Commission that this request be approved.

The City Commission has the options of approving the Special Use Permit as recommended, revising it or denying it.

Mr. Dennis Cooke, 307 N. Star, questioned whether the apartment complex would have on-street parking or a parking lot.

City Engineer Remsberg stated that the C-2 Zone does not require off-street parking.

Commissioner Kirkpatrick moved that in the case of the Special Use Permit for an apartment at 206 S. Main, the City Commission adopt the recommendation of the Planning Commission and that Resolution No. 2207, " A RESOLUTION SETTING OUT THE FINDINGS OF THE CITY OF EL DORADO IN SPECIAL USE CASE NO. 98-2," be adopted.

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

PLAT OF RIVER ROAD ADDITION

Mayor Blake stated that at their January 14, 1999 meeting the Planning Commission reviewed and approved the Final Plat of River Road Addition. The City Commission has the option of accepting or not accepting the public easements and rights-of-way.

Commissioner Phillips moved that the public easements and rights-of-way contained in the Final Plat of River Road Addition be accepted.

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

T-2000 RESOLUTION

The proposed resolution provides for the support of the State Task's Force Transportation Plan.

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City Manager Stewart stated that the State formed a committee that researched whether a highway program was desired. A transportation program of \$10.68 billion was approved. This proposal offers the Governing Body's support of the transportation program.

Commissioner Storrer moved that Resolution No. 2208, "A RESOLUTION IN SUPPORT OF A COMPREHENSIVE TRANSPORTATION PLAN FOR THE STATE OF KANSAS, IDENTIFIED AS THE TRANSPORTATION 2000 PLAN," be passed and approved.

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

1998 SALES TAX STREET PROGRAM

PROJECT NO. 868

The streets involved in this project are Hillside (Eunice to Third); Eunice (Central to Third); Rado (Eunice to Jones) and Dellway (Rado to Jones).

ACCEPTING THE PROJECT AND SETTING ASSESSMENT HEARING DATE

Commissioner Crawford moved that the City of El Dorado accepts the completed work of Project No. 868 by Central Paving, Inc. and that the final cost be determined to be:

Preliminary Estimate	\$175,000.00
Final Cost	103,816.30
Unexpended	71,183.70
Improvement District Cost	11,678.52
City at Large Cost	92,137.78

and that the City Commission meet at 7:30 P.M. on the 15th day of February, 1999 for the purpose of considering the proposed assessments of the cost of Project No. 868 and that the City Clerk be directed to cause a notice to be published in the Official City paper at least once not less than 10 days prior to the date of said meeting.

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

ADJOURNMENT

Commissioner Kirkpatrick moved the meeting adjourn.

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

Dee Anne Grunder, City Clerk

Edward L. Blake, Mayor