

**EL DORADO CITY COMMISSION MEETING February 2, 2004**

The El Dorado City Commission met in regular session on February 2, 2004, at 7:30 p.m. in the Police Department Court Room with the following present: Mayor Connie Phillips, Commissioner Mike Fagg, Commissioner Linda Clark, Commissioner Oral Taylor, Commissioner Brian Shepherd, City Manager Stan B. Stewart, Assistant City Manager, Gus Collins, City Clerk/Finance Director Dee Anne Grunder, and City Engineer Dave Wagner.

**VISITORS**

Micala Ayers	826 W. 4 <sup>th</sup>	El Dorado, Kansas
John Davidson	911 W. Pine	El Dorado, Kansas
Rev. Michael Nolan	302 W. Downs	El Dorado, Kansas
Bill & Aline Thompson	305 Oil Hill Rd	El Dorado, Kansas
James Cook	719 Fredrick Drive	El Dorado, Kansas
Jodi Kennedy	1250 S. Topeka	El Dorado, Kansas
Denda Alfaro	1241 Douglas Rd	El Dorado, Kansas
Jerry Blount	131 Hillside	El Dorado, Kansas
Joe Blount	635 N. Star	El Dorado, Kansas
Mike Glendening	801 Cave Spring	El Dorado, Kansas
Mac Hicks	424 Oil Hill Rd	El Dorado, Kansas
Pat Hicks	1147 S. Arthur	El Dorado, Kansas
Lionel Tipton	1845 Terrace	El Dorado, Kansas
Jo Taylor	2026 Munnell	Wichita, Kansas
Don & Mary Lou Taylor	2950 W. 4 <sup>th</sup>	El Dorado, Kansas
Lindell Coots	7121 Brent Lane	Lynden, Washington
Gary Ball	817 West 4 <sup>th</sup> Avenue	El Dorado, Kansas
Jim Miller	801 Sunset Lane	El Dorado, Kansas

**INVOCATION**

Mayor Connie Phillips called to order the February 2<sup>nd</sup> City Commission Meeting. Father Mike Nolan provided the invocation.

**PLEDGE OF ALLEGIANCE**

Ms. Karilee Maitland’s Third Grade Class from Washington Elementary School led the Pledge of Allegiance.

**CITIZEN OF THE MONTH**

Commissioner Brian Shepherd presented to Don Taylor the “*Citizen of the Month*” award.

**PROCLAMATIONS**

**ONE BOOK**

Micala Ayers, 826 W. 4<sup>th</sup>, Director of Butler County Community College Library recognized the committee members involved in bringing “One Book One Community” to the community of El Dorado.

Commissioner Clark presented the “One Book One Community” proclamation to Micala Ayers.

Mayor Phillips asked Mrs. Ayers to describe the activities that would take place.

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Mrs. Ayers stated that Monday, February 9<sup>th</sup>, there will be a Food and Music Festival at the Civic Center, a reading of quotations from the book and Don Koch and Mark Marsh, from El Dorado will be playing music from the 30's.

CONGENITAL HEART DEFECT

Commissioner Shepherd read the proclamation for "Congenital Heart Defect". No one appeared on behalf of this proclamation.

CONSENT AGENDA

- a. Approval of the January 20, 2004 , City Commission minutes
- b. Approval of the January 28, 2004, Work Session minutes.
- c. Approval of the Appropriation Ordinance NO. 01-04 in the amount of \$1,955,783.12.
- d. Approval of the Engineer's Fourth Pay Estimate dated January 26, 2004 on Project No. 959 to the Contractor, Central Paving, in the amount of \$8,979.12.

Commissioner Taylor moved that the Consent Agenda, as amended be approved.

Commissioner Fagg seconded the motion. Motion carried 5-0.

**PROJECT NO. 236-G-SIDEWALK IMPROVEMENTS – RESOLUTION NO. 2450**

Mayor Phillips stated that the Downtown Development Grant allows for stamped brick sidewalks. The following benefit district has requested improving the sidewalks in front of their properties. This will allow the same "theme" for the stamped brick in this benefit District. Project No. 236 will help to improve sidewalks, including a 3' – 4' wide stamped section of concrete along the frontage of each property on the following streets:

*Pine Street* - both sides of the street, from the west line of Main to the west line of Gordy.

*Gordy Street* – the east side of the street, from the north line of Pine to the south line of Central.

Mayor Phillips stated that Demo Construction is under contract to complete Project NO. 227 (Stamped Sidewalks in the 100 Block E. Pine). This company has verbally agreed to construct the stamped concrete on Project No. 236 using the same unit prices.

RECEIVING THE PETITION

City Clerk Dee Anne Grunder reported to the Commission that the petition for the construction of Project No. 236, signed by owners of more than 71 percent of the total frontage of lots in the improvement district, is sufficient.

Commissioner Fagg moved that the report of sufficiency be accepted for Project No. 236, and that Resolution No. 2450, authorizing the improvement, be adopted and further move that the City Manager be instructed to create a change order with the Contractor of Project No. 227.

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Commissioner Shepherd seconded the motion.

Commissioner Fagg questioned if this was a grant and how much of the sidewalk project was included if it was a state funded grant.

City Manager Stan Stewart stated that it was a state funded grant and Engineer Dave Wagner stated that \$40,000 was included for sidewalk improvements.

Commissioner Fagg questioned whether property owners would pay on the project.

City Engineer Dave Wagner stated they would not pay on the Red Stamped 2-Concrete portion (state grant will provide the funding), but would pay half the removal and replacement of the standard sidewalk.

Motion carried 5-0.

**SANITARY SEWER AND WATER LINES-PROPOSED WAL-MART  
ORDINANCE NO. S-1184**

City Manager Stan Stewart stated that at the September 2, 2003 City Commission Meeting, the City Commission approved an agreement with Wal-Mart to upgrade the sewer and water system to their site. Bids exceeded the engineer's estimate. An agreement was made with Wal-Mart to split the cost of the increases. This amendment will reflect the additional participation from Wal-Mart for the sanitary sewer portion of the work. Wal-Mart has agreed to increase their share by \$14,500.

*Water Lines:* To increase the residual pressure to the area, Wal-Mart has agreed to pay for two 12-inch waterlines across Central Avenue.

Spreading the Bids

Engineer: \$129,012.49

Middlecreek Mining: \$174,123.70

Nowak Construction: \$180,334.50

**MOTION ONE**

Commissioner Shepherd moved to direct the City Manager to enter a Development Agreement with Wal-Mart for the purpose of upgrading the sewer system and water lines, and award the contract to the lowest and best bid of \$174,123.70 with Middlecreek Mining for the sanitary sewer lines.

Commissioner Clark seconded the motion. Motion carried 5-0.

**MOTION TWO**

Assistant City Manager Gus Collins stated that this action is for the extension of the water line of the project to Wal-Mart. This allows us to finance the project until we receive 100% return from Wal-Mart.

Commissioner Shepherd moved that Ordinance No. S-1182, an ordinance authorizing and providing for the construction, operation and maintenance of the water works in and for the City, providing for the payment of the costs thereof in the amount of \$140,000, and preliminarily authorizing and providing for the issuance of temporary improvement notes from time to time as funds are needed for the orderly construction of said improvements, be approved.

Commissioner Fagg seconded the motion.

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ROLL CALL

Position No. 1	Commissioner Oral Taylor	yes
Position No. 2	Commissioner Linda Clark	yes
Position No. 3.	Commissioner Brian Shepherd	yes
Position No. 4.	Commissioner Michael Fagg	yes
	Mayor Phillips	yes

**BOARD APPOINTMENTS**

Mayor Phillips noted that the City Commission is responsible for the appointments to the various advisory boards and committees. Due to board term expirations, there are several openings.

SALES TAX ADVISORY COMMITTEE

City Commissioner Fagg stated that he had asked Harold Haskell to be part of the Sales Tax Advisory Committee.

Commissioner Shepherd indicated that his appointment is Chet McCoy.

Commissioner Clark stated that her appointment is Toby Johnson.

Commissioner Taylor stated that his appointment is Barbara Dankert.

Mayor Phillips stated that her appointments are Ed Gard and Neil Buckman.

Commissioner Shepherd moved to re-appoint Ed Gard, Neil Buckman, Barbara Dankert and Tobey Johnson, then further moved to appoint Harold Haskell and Chet McCoy to the Sales Tax Advisory Committee for a one-year term ending January 18, 2005.

Commissioner Clark seconded the motion. Motion carried 5-0.

EL DORADO INC

Commissioner Shepherd moved to appoint Tony Grunder to the El Dorado Inc for the remainder of a term expiring May 2004.

Commissioner Taylor seconded the motion. Motion carried 5-0.

CONVENTION AND VISITORS BUREAU

Commissioner Clark moved to appoint Diana Nunley to the Convention and Visitors Bureau for the remainder of a term expiring May 1, 2004.

Commissioner Taylor seconded the motion. Motion carried 5-0.

**CITY MANAGER'S REPORT**

City Manager Stan Stewart noted the following:

1. Work Session – Wednesday, February 11<sup>th</sup> at 3:30 p.m.
2. Carol Marcum presentation update – no additional action needed at this time.

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3. City Hall Day at Legislature – Mr. Stewart provided an update on the upcoming Legislative Session. Don't expect state aid; school funding; new highways. 911 tax on cell phones.
4. Oil Hill paving petition update: A petition was received in a 20-day period. A property owner asked about the removal of names and also signatures on trusts may not meet the trust requirements. If those property owners are removed this would make the petition insufficient.

Gary Ball, 817 W. 4<sup>th</sup> questioned how many petitions had been carried for and against Country Club Road and who carried them? He questioned whether Oral carried any Country Club Road petition. He indicated he would like copies of statute made available.

City Manager Stewart stated that they could get that information, but they were not prepared at this time.

Mr. Ball expressed concern that a property owner was approached to remove their name from the petition.

Bill Thompson, 305 Oil Hill indicated that he feels games have been played with the project and the City is not doing the will of the people.

Commissioner Fagg stated that the street needs to be expanded and the City-at-large should not pay for all of the costs.

MISCELLANEOUS

Commissioner Fagg asked how the vicious animal City Ordinance Section 3-405 and Chapter 604 related.

Assistant City Manager Gus Collins stated that the code has been re-codified, so section #'s have changed, but the information was accurate.

Commissioner Fagg stated that he appreciated receiving abatement policy and procedure and would like other Commissioners to receive a copy. He also asked if the City had pledged any financial support on a grant for the Image campaign.

City Manager Stewart said no other monies other than the original commitment

City Manager Stan Stewart stated that it was not as part of the grant application.

Commissioner Fagg asked if the City knows yet if there is an overall surplus.

Assistant City Manager Gus Collins stated year-end totals are still being counted.

Assistant City Manager Collins stated 2002 General Fund was \$100,000.00; policy is 15% except in water and sewer funds due to debt obligations in those funds.

OIL HILL ROAD

Jim Miller, 345 Hunton Road feels that Oil Hill is an over-used arterial street and the City should help pay the cost.

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Commissioner Taylor stated that he spoke with Mr. Miller about the street. He also spoke with a good friend that lives on Oil Hill and whose son indicated they were strongly in favor of the

street. Oral requested permission to visit with his father since his father signed the petition (against).

Mike Glendening, 801 Cave Springs, has talked with 2 people who are against the project, but unwilling to sign the petition. He feels it only fair that the City allows a new petition be circulated since someone has now requested his signature be removed.

**ADJOURNMENT**

Mayor Phillips called the meeting adjourned at 8:45 p.m.

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City Clerk Dee Anne Grunder

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Mayor Connie Phillips