

EL DORADO CITY COMMISSION MEETING

February 4, 2008

The El Dorado City Commission met in regular session on February 4, 2008, at 7:00 p.m. in the Commission Room with the following present: Mayor Tom McKibban, Commissioner 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.

VISITORS

Matt Rehder	220 E. First	El Dorado, Kansas
Julie Anderson	El Dorado Times	El Dorado, Kansas
Bill O’Connell	337 N. Topeka	El Dorado, Kansas
Brad Meyer	2012 Chelsea Dr.	El Dorado, Kansas
Jean Plummer	323 ½ Main	El Dorado, Kansas
Donald Adlesperger	1285 S. Topeka	El Dorado, Kansas
Donald Matthews		
Jim Pierpoint		
James Cook	719 Fredrick Drive	El Dorado, Kansas
Tim Donges	2873 S.E. Hwy 54	El Dorado, Kansas
Jeffery Black	1360 Terrace	El Dorado, Kansas
Virginia Hedrick	1528 N. Topeka	El Dorado, Kansas

CALL TO ORDER

Mayor Tom McKibban called the February 4, 2008, City Commission meeting to order.

INVOCATION

Reverend Bill O’Connell, First Presbyterian Church, opened the meeting with prayer.

PLEDGE OF ALLEGIANCE

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

PERSONAL APPEARANCE

Jean Plummer, 323 ½ North Main, on behalf of El Dorado Main Street, presented the City with a plaque in honor of the Frontier Western Celebration.

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 January 22, 2008, City Commission minutes.
- b) Approval of Appropriation Ordinance No. 01-08 in the amount of \$1,204,966.10.

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

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

TOPEKA STREET PAVING

Assistant City Engineer Scott Rickard stated that at the January 22, 2008, City Commission meeting, the discussion item of paving Topeka Street was tabled until the February 4, 2008, meeting. At the December 3, 2007, meeting, the City Commission directed Staff 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. Property owners in the benefit district addressed their questions and concerns to the Commission at the January 22, 2008, meeting. Correspondence from the benefit district was also received by e-mails and letters passed on to the Commission.

Virginia Hedrick, 1528 North Topeka, expressed her concerns regarding the paving of Topeka Street.

Don Adlesperger, 1285 South Topeka, expressed his concerns regarding the petition process.

Virginia Hedrick, 1528 North Topeka, inquired on a drainage issue at her address.

Mayor Tom McKibban stated that the issue will be addressed.

Tim Donges, 2873 S.E. Hwy 54, addressed his concerns regarding the paving of North Topeka Street and offered his suggestions for the Commission to consider.

Discussion ensued amongst the City Manager Herb Llewellyn, Assistant City Engineer Scott Rickard and City Commissioners regarding the paving of North Topeka Street.

City Manager Herb Llewellyn discussed the State Statute which refers to the processes to petition out of a project; however, the City Commission can make other stipulations.

PAVING NORTH TOPEKA STREET

Commissioner Linda Clark moved to place the North Topeka Street Paving project on a future City Commission agenda with the recommendation to complete the project as a standard City Street with curbs and gutters and allowing the residents to carry a petition and to bring the petition back to the City Commission to be re-evaluated.

Commissioner David Chapin seconded the motion.

Motion carried 3-1-1. (Commissioner Steve Reynolds opposed and Commissioner Steve Pershall abstained).

DISCHARGE OF FIREARMS AND PROJECTILES WITHIN THE CITY LIMITS

City Manager Herb Llewellyn stated that this issue was first discussed at the December 17, 2007, City Commission meeting. At that time, the Commission requested the City Attorney review and interpret the application of the ordinance in reference to the College Acres subdivision. He has now done that and believes that they would not be allowed to hunt at their homes if annexed. The Commission authorized the prior owner of some of the ground that houses the waste water treatment facility to hunt. This is in conflict with current ordinances.

City Manager Herb Llewellyn stated that there would be a limited opportunity for citizens to hunt on the wetlands; however, the City has given permission to the previous property owner to continue to hunt when the City purchased the property for the Water Reclamation facility.

Discussion ensued amongst City Manager Herb Llewellyn, City Attorney Andrew Piekalkiewicz and the City Commissioners regarding this issue.

Larry Adams, 1756 West Third, addressed his concerns regarding hunting within the City limits.

Commissioner Steve Reynolds moved to table this agenda item until February 18, 2008, City Commission meeting.

Commissioner Steve Pershall seconded the motion.

Motion carried 4-1. (Commissioner Linda Clark opposed).

CEREAL MALT BEVERAGE (CMB) ORDINANCE AMENDMENT

City Manager Herb Llewellyn stated that staff is recommending changing the City's Cereal Malt Beverage (CMB) law to mirror state statutes. The state of Kansas changed the laws regarding the fees for licenses that are issued to businesses selling CMB products for off-premise consumption. The proposed ordinance also brings the Municipal Code into alignment with the state law to allow sales of CMB products on election days.

ORDINANCE NO. G-1019

Commissioner Steve Pershall moved that Ordinance No. G-1019, an ordinance amending the City of El Dorado Municipal Code Section 4.08.080 regarding the sale of cereal malt beverages, be approved.

Commissioner Steve Reynolds seconded the motion.

ROLL CALL

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

SALES TAX COMMITTEES

City Manager Herb Llewellyn stated that the following motion will provide for the creation of a task force to begin the process for the renewal of the local one-cent sales tax. The local sales tax is due to sunset on October 1, 2009. This committee historically has had 30 appointees as follows:

Sales Tax Advisory Committee – 7 members; El Dorado Inc representative – 1 member; Youth Commissioners – 2 members; and 20 at-large members.

City manager Herb Llewellyn stated that the Sales Tax Advisory Committee is appointed by the Mayor (2 appointees), the Commission (1 appointee each), and the Planning Commission (1 member). The Advisory Committee serves a one-year term (without limits), and has served on the Sales Tax Task Force when the Task Force was in session. The Commission may appoint new Advisory Committee members at this time.

Commissioner Steve Pershall stated that he would like to appoint Richard Albright to the Sales Tax Advisory Committee, and appoint Kent Williams to the Sales Tax Task Force Committee.

City Manager Herb Llewellyn explained the differences between the Sales Tax Task Force Committee and the Sales Tax Advisory Committee.

SALES TAX ADVISORY COMMITTEE – No Term Limits (1-year term)

Commissioner Steve Pershall moved to appoint Kendra Wilkinson (Commissioner Clark), Richard Albright (Commissioner Pershall), and Jeffery Black (Commissioner Reynolds) to the Sales Tax Advisory Committee for a term ending March 1, 2009.

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

NEW BUSINESS – DISCUSSION ITEMS

Mayor Tom McKibban opened the floor for Commissioners' comments.

Commissioner Steve Reynolds stated that he appreciates the dedication of our sanitation workers in inclement weather.

Commissioner Linda Clark thanked the Public Works Department for repairing the potholes on North Main.

Commissioner Steve Pershall updated the City Commission on the City Hall Day meeting that was held in Topeka and the recent luncheon that was held with the Corp of Engineers.

Commissioner David Chapin thanked the City employees for the recent snow removal and inquired on the status of our salt and sand supply.

City Manager Herb Llewellyn stated that the City is in good supply of salt and sand.

Mayor Tom McKibban stated that the City of El Dorado had a great opportunity with Presidential candidate Barack Obama's recent visit. Mayor Tom McKibban also updated the Commission on the upcoming national news program based out of Italy that will be in El Dorado covering the Super Tuesday Caucus on February 5, 2008.

Mayor Tom McKibban closed the Commissioners' comments.

CITY MANAGER'S REPORT

- 1) City Manager Herb Llewellyn stated that a work session is scheduled for 3:30 p.m. February 13, 2008.
- 2) City Manager Herb Llewellyn reminded everyone of the Mayor's Annual Dinner February 7, 2008, at the Prairie Trails Country Club.
- 3) City Manager Herb Llewellyn stated that our new Building Inspector, Kyle McLaren, started today.
- 4) City Manager Herb Llewellyn stated that Oaks Addition has inquired on building a privacy wall and the cost would be borne by the property owners only.
- 5) Assistant City Engineer Scott Rickard discussed the residential sidewalk plan and encouraged citizens to take part in this program.
- 6) Assistant Public Works Director Brad Meyer updated the City Commission on the current method of snow and ice removal.
- 7) City Manager Herb Llewellyn discussed resolving a tax issue with property that the City has recently obtained.
- 8) Assistant City Engineer updated that City Commission on the Ninth Avenue and Main Street Bridges.
- 9) Mayor Tom McKibban inquired on the amount of his water bill.

City Clerk Kendra Porter stated that the higher bill could be due to a fluctuation of water usage and sewer rates currently based on actual consumption.

ADJOURNMENT

Commissioner Steve Pershall moved to adjourn the meeting at 8:55 p.m.

Commissioner Steve Reynolds seconded the motion.

Motion carried 5-0.

City Clerk Kendra Porter

Mayor Tom McKibban