

EL DORADO CITY COMMISSION MEETING MINUTES February 5, 2001

The El Dorado City Commission met in regular session on February 5, 2001 at 7:30 p.m. with the following present: Mayor Susan J. Seeber, Commissioner Brian L. Clites, Commissioner Betty Criss, Commissioner Betty J. Kirkpatrick, Commissioner Don Storrer, City Manager Stan Stewart, City Director of Administration Gus Collins, City Engineer Bruce Remsberg, City Clerk Janet L. Arnold, and City Attorney Mike Coash.

VISITORS

Tassie Augustine	2215 Potters Court	El Dorado, Kansas
Don Adlesperger	2048 SW 40 th	El Dorado, Kansas
Kenneth Green	327 Marmaton	El Dorado, Kansas
LeRoy Hildreth	601 Village	El Dorado, Kansas
Don Jordan	515 Hunton Road	El Dorado, Kansas
Eric Spurlock	815 S. Washington	El Dorado, Kansas
Brian Shephard	1520 Finney	El Dorado, Kansas
Oral Taylor	1504 W. Ash	El Dorado, Kansas
Shaunna Johnson	208 S. Orchard	El Dorado, Kansas
Fred Kropf	2001 W. Towanda	El Dorado, Kansas
Eugene C. Herrmann	405 School Road	El Dorado, Kansas
Mike Boucher	El Dorado Times	El Dorado, Kansas
Jerry Blount	131 N. Hillside	El Dorado, Kansas

INVOCATION

Pastor Richard Edds provided the invocation.

PLEDGE OF ALLEGIANCE

Ms. Tassie Augustine, Senior Citizen Center, led the Governing Body and audience in the Pledge of Allegiance.

CONSENT AGENDA

- A. Approval of the January 15, 2001 City Commission Minutes.
- B. Approval of the January 16, 2001 Work Session Minutes.
- C. Approval of the January 24, 2001 Work Session Minutes.
- D. Approval of the Appropriation Ordinance No. 01-01 in the amount of \$981,208.89.
- E. Approval of the agreement between the City of El Dorado, White & Ellis Drilling Inc. and El Dorado Investment Properties, Inc.

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

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

ANNEXATION OF CERTAIN PROPERTY – (TOWNSHIP VILLAGE AREA)

City Manager Stewart stated that on December 4, 2000 the City Commission passed Resolution No. 2312 establishing a Public Hearing to consider the annexation of certain territory. This is in the area of Township Village.

City Engineer Remsberg provided an overview of the proposed areas for annexation and provided the City's plan for extension of services.

PUBLIC HEARING

Mayor Seeber opened the public hearing on the annexation of certain property (Township Village Area).

Questions were raised from area residents regarding the procedure of annexation and City's requirement for street width.

City Engineer Remsberg explained that the City could annex areas that have been platted by blocks and feet as opposed to metes and bounds.

Mayor Seeber then declared the public hearing closed.

ORDINANCE NO. G-889

Commissioner Criss moved that Ordinance No. G-889, "An ordinance annexing land to the City of El Dorado, Kansas," be placed on its passage and considered section by section.

Commissioner Clites seconded the motion.

ROLL CALL

Position No. 1	Commissioner Don Storrer	yes
Position No. 2	Commissioner Betty Criss	yes
Position No. 3	Commissioner Betty J. Kirkpatrick	yes
Position No. 4	Commissioner Brian L. Clites	yes
	Mayor Susan J. Seeber	yes

ANNEXATION OF CERTAIN PROPERTY – (DOUGLAS ROAD AREA)

On December 4, 2000 the City Commission passed Resolution No. 2313 establishing a Public Hearing on February 5, 2001 to consider the annexation of certain territory. This is in the area of Douglas Road and the Southwest Trafficway.

City Engineer Remsberg provided an overview of the plan for extension of City services.

PUBLIC HEARING

Mayor Seeber opened the public hearing regarding annexation of the Douglas Road Area.

A few area residents appeared before the Governing Body to express their opposition to the annexation. They did not believe that areas should be annexed into the City in the event property owners oppose the annexation.

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With no one else appearing regarding this annexation, Mayor Seeber declared the public hearing closed.

ORDINANCE NO. G-890

Commissioner Kirkpatrick moved that Ordinance No. G-890, “An ordinance annexing land to the City of El Dorado, Kansas,” be placed on its passage and considered section by section.

Commissioner Clites seconded the motion.

ROLL CALL

Position No. 1	Commissioner Don Storrer	yes
Position No. 2	Commissioner Betty Criss	yes
Position No. 3	Commissioner Betty J. Kirkpatrick	yes
Position No. 4	Commissioner Brian L. Clites	yes
	Mayor Susan J. Seeber	yes

PROJECT NO. 953 – COUNTRY CLUB ROAD SIDEWALK

Mayor Seeber stated that at the last City Commission meeting, the Commission held a Public Hearing on a Project to provide a pedestrian facility as part of the Country Club Road paving project. During that hearing, the Commission determined that this project should proceed as a sidewalk adjacent to the curb. The Staff prepared a proposal based on that direction for the location and size of the sidewalk. A number of issues came to light as that proposal was being prepared. After review of the proposal at a work session on January 24, 2001, the City Commission determined that it would be more desirable to construct a 5-foot wide sidewalk set back from the curb.

The Staff recommends that if a sidewalk is not constructed on both sides, a 5-foot wide sidewalk be constructed on the East side of Country Club Road from Twelfth Avenue to Skyview Drive and that a 5-foot wide sidewalk be constructed on the West side of Country Club Road from Skyview Drive to McCollum Road.

An area resident questioned the procedure for petitioning out of the sidewalk.

City Engineer Remsberg stated that in order to petition out of the sidewalk, 51% of the number of resident property owners in the benefit district and owners of more than 50% of the total area in the benefit district would be needed.

RESOLUTION SETTING OUT FINDINGS AND DETERMINATIONS OF THE GOVERNING BODY NO. 2321

Commissioner Kirkpatrick moved that Resolution No. 2321 setting out findings and determinations of the construction of a sidewalk under Project No. 953, more specifically described therein, be adopted.

Commissioner Storrer seconded the motion and it carried 4-1, Commissioner Criss opposed.

RESOLUTION NO. 2322 OF NECESSITY

Commissioner Clites moved that Resolution No. 2322, a resolution authorizing and ordering the paving of project No. 953, more specifically described therein, be adopted.

Commissioner Kirkpatrick seconded the motion and it carried 4-1, Commissioner Criss opposed.

2001 SALES TAX STREET PROGRAM

The City Commission ordered that bids be received for the 2001 Sales Tax Projects. These bids were received on February 2nd. The streets involved in this program are:

Project No. 949:

FREDRICK DRIVE-	From the North line of Towanda Avenue to the South line of Webb Avenue.
AUDREY DRIVE-	From the North line of Towanda Avenue to the South line of Webb Avenue.
CHARRON DRIVE-	From the North line of Towanda Avenue to the South line of Webb Avenue.
EDGEMOOR DRIVE-	From the North line of Towanda Avenue to the South line of Webb Avenue.
WEBB AVENUE-	From the East line of Fredrick Drive to the West line of Edgemoor Drive.
LEONARD COURT	From the East line of Fredrick Drive to and including the Cul-de-Sac.

Project No. 950:

WASHINGTON ST.-	From the North line of Towanda Avenue to the South line of Kansas Avenue.
STAR STREET-	From the North line of Towanda Avenue to the South line of Kansas Avenue.
TOWANDA AVE.-	From the East line of Washington Street to the West line of Star Street.

Project No. 951:

TWELFTH AVE.-	From the East line of Main Street to the East City Limits.
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ORDINANCE ISSUING BONDS NO. S-1105

Commissioner Storrer moved that Ordinance No. S-1105, 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 Nos. 949, 950 and 951, therein described and providing for the issuance of temporary notes pending the issuance of such bond," be approved.

Commissioner Criss seconded the motion.

ROLL CALL

Position No. 1	Commissioner Don Storrer	yes
Position No. 2	Commissioner Betty Criss	yes
Position No. 3	Commissioner Betty J. Kirkpatrick	yes
Position No. 4	Commissioner Brian L. Clites	yes
	Mayor Susan J. Seeber	yes

RECEIVING THE BIDS

Mayor Susan J. Seeber asked that the bids be spread for the record on the 2001 Sales Tax Projects No. 949, 950, and 951.

Engineer's Estimate	\$ 506,551.78
Central Paving, Inc.	408,571.99
APAC-Kansas, Inc.	436,190.12

AWARDING THE CONTRACT

Mayor Seeber moved that as Central Paving has submitted the lowest and best bid for Project Nos. 949, 950 and 951, and since their aggregate bid of \$408,571.99 was under the Engineer's Estimate, that the contract be awarded to Central Paving 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.

PROJECT NO. 926 – PAVING COMMERCE STREET (ENTERPRISE

PUBLIC HEARING

Mayor Susan J. Seeber opened the public hearing on Project No. 926.

With no one appearing before the Governing Body regarding this project, Mayor Seeber closed the public hearing.

APPROVE ASSESSMENTS

Commissioner Kirkpatrick moved that the proposed assessments on Project No. 926 be approved.

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

ASSESSMENT ORDINANCE NO. S-1106

Commissioner Criss moved that Ordinance No. S-1106, the same being, "An ordinance apportioning and assessing the cost of constructing certain streets in the city of El Dorado, Kansas, as set forth in project No. 926, and levying the assessments as apportioned against all taxable property within said city, and upon and against the several lots and parcels of land subject to be taxed for the payment of the cost of such improvements," be approved.

Commissioner Storrer seconded the motion.

ROLL CALL

Position No. 1	Commissioner Don Storrer	yes
Position No. 2	Commissioner Betty Criss	yes
Position No. 3	Commissioner Betty J. Kirkpatrick	yes
Position No. 4	Commissioner Brian L. Clites	yes
	Mayor Susan J. Seeber	yes

MAIL ASSESSMENTS

Commissioner Storrer moved that the City Clerk be instructed to mail to the owners of property assessed, at their last known Post Office address, a Notice of Assessment and a Statement of Cost, finally determined and assessed against the land so owned and assessed.

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

PROJECT NO. 908-B-1-STORM SEWERS TO SERVE THE EL DORADO BUSINESS PARK-PHASE I

Mayor Seeber questioned whether the City had received clearance from the Kansas Geological Survey to proceed with this project. She indicated, for liability purposes, she would not be agreeable to proceed with this project until the City has received that approval.

City Engineer Remsberg stated that the City has not yet received written permission from the Kansas Geological Survey.

Mayor Seeber moved to table this item until the next regularly scheduled City Commission Meeting.

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

TEMPORARY FINANCING FOR CERTAIN INTERNAL IMPROVEMENTS

Mayor Seeber stated that the City of El Dorado needs to provide temporary financing for certain internal improvements. The improvements are as follows: 1) Business Park infrastructure 2) park improvements. Also, the City needs to renew certain Temporary Notes. The following motions provide for the issuance of one temporary note. All of the financing for these projects will be consolidated into one note. The total amount of the temporary note is \$2,790,000. The breakdown is as follows: \$2,000,000 Business Park; \$111,000 park improvements; \$300,000 bike path (renewal); and \$364,750 paving project (renewal). Also included are interest payments of \$14,250.

ORDINANCE NO. S-1103 – BUSINESS PARK

Commissioner Clites moved that Ordinance No. S-1103 providing authorization for certain improvements in the new El Dorado Business Park in the amount of \$2,000,000 be approved.

Commissioner Kirkpatrick seconded the motion.

ROLL CALL

Position No. 1	Commissioner Don Storrer	yes
Position No. 2	Commissioner Betty Criss	yes
Position No. 3	Commissioner Betty J. Kirkpatrick	yes
Position No. 4	Commissioner Brian L. Clites	yes
	Mayor Susan J. Seeber	yes

ORDINANCE NO. S-1104 - PARK IMPROVEMENTS

Commissioner Clites moved that Ordinance No. S-1104, an ordinance providing for authorization for certain improvements in the City of El Dorado’s park system in the amount of \$111,000 be approved.

Commissioner Kirkpatrick seconded the motion.

ROLL CALL

Position No. 1	Commissioner Don Storrer	yes
Position No. 2	Commissioner Betty Criss	yes
Position No. 3	Commissioner Betty J. Kirkpatrick	yes
Position No. 4	Commissioner Brian L. Clites	yes
	Mayor Susan J. Seeber	yes

RESOLUTION NO. 2320 – TEMPORARY NOTE

Mayor Seeber moved that a resolution that provides for the issuance of Temporary Note No. 1863 in the total principal amount of \$2,790,000 is authorized by Ordinance No.’s S-1103, S-1104 and S-1067 for the City providing funds for temporary financing of the cost of the construction of certain internal improvements in the City of El Dorado be approved.

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

PLANNING COMMISSION REVISION – ORDINANCE NO. G-891

City Manager Stewart stated that at the Planning Commission meeting held November 30, 2000, Commissioner Clites was present to discuss the possibility of reducing the number of Planning Commissioners. The Planning Commission was in favor of reducing the number of Planning Commissioners and recommended reducing the number to nine. Some of the benefits of this action would be: 1) less appointments needed to fill Planning Commission positions; 2) easier to formulate decisions with nine members instead of thirteen; 3) less staff time spent preparing for meetings; 4) less Planning Commission members required for quorum.

ORDINANCE NO. G-891

Commissioner Kirkpatrick moved to accept and approve Ordinance No. G-891, changing the El Dorado Planning Commission membership from thirteen members to nine.

Commissioner Criss seconded the motion.

ROLL CALL

Position No. 1	Commissioner Don Storrer	yes
Position No. 2	Commissioner Betty Criss	yes
Position No. 3	Commissioner Betty J. Kirkpatrick	yes
Position No. 4	Commissioner Brian L. Clites	yes
	Mayor Susan J. Seeber	yes

SALES TAX ADVISORY COMMITTEE

Members are appointed to serve one-year terms with no term limits by the City Commissioners on the Sales Tax Advisory Committee.

Commissioner Clites moved that Ed Gard, Neil Buckman, Andy LaForge, Mark Johnson, Barbara Dankert, and Red Acklin, be re-appointed to the Sales Tax Advisory Committee for a one-year term to expire the first City Commission meeting in January, 2002.

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

TRANSFORMATION TEAM – BOARD APPOINTMENTS

Mayor Seeber stated that the Transformation Team has been formed. There is one more appointment that the City Commission should consider.

Commissioner Criss moved to appoint Keri Myers to the Transformation Team to finish a one-year term to expire in October, 2001.

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

MISCELLANEOUS

WORK SESSION

A work session is scheduled for Tuesday, February 13, 2001 at 4:00 p.m.

FLASHING LIGHTS

City Manager Stewart stated that parts have been ordered for the school traffic lights located on Twelfth Street.

COMPREHENSIVE DEVELOPMENT PROGRAM GRANT

City Manager Stewart stated that the City is in the process of applying for the Comprehensive Development Program Grant for the area of South Main. Funds will be available which would offer incentives and encouragement for investment of private funds in that area.

HOME SHOW

Commissioner Kirkpatrick stated that the city of El Dorado was complimented on their water from a gentleman that had a booth at the Home Show. He stated that he never attempts to sell his water purification system in El Dorado because of the awards the City has received.

COMPLIMENTS

Mayor Seeber noted that she has also received compliments to the City regarding the projects and the great things the City is doing.

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DREAMWORKS

Mayor Seeber stated that the City has received a video from Dreamworks of the news clip of the December 12, 2000, Road to El Dorado extravaganza that was televised nationwide. She noted that this and a video of the parade would be shown on Channel 7.

ADJOURNMENT

Janet L. Arnold, City Clerk

Susan J. Seeber, Mayor