

EL DORADO CITY COMMISSION MEETING February 16, 2004

The El Dorado City Commission met in regular session on February 16, 2004, at 7:30 p.m. in the Police Department Court Room with the following present: 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. Mayor Connie Phillips was absent.

VISITORS

Kenneth Petz	416 Hillside	El Dorado, Kansas
Gary Taylor	720 Oak Street	El Dorado, Kansas
Roxann Cool	550 NW 20th	El Dorado, Kansas
Gene White	218 W. Central	El Dorado, Kansas
Scott Seivley	1741 Candace	El Dorado, Kansas
Larry Seivley	1940 Lakeland	El Dorado, Kansas
Pat Hicks	1147 S. Arthur	El Dorado, Kansas
James Cook	719 Fredrick Dr.	El Dorado, Kansas
Jerry Blount	131 Hillside	El Dorado, Kansas
Gary L. Ball	817 W. 4 th Ave.	El Dorado, Kansas
Chet McCoy	336 Simpson Rd.	El Dorado, Kansas
Jack Greer	830 W. Central	El Dorado, Kansas
Brett Perry	2520 Sherrylee Lane	El Dorado, Kansas
Kurt Bookout	2520 Kay Ct.	El Dorado, Kansas
Linda Swan	1403 Park Avenue	El Dorado, Kansas
Becky Wolfe	2123 SW 100 th	Augusta, Kansas

INVOCATION

Vice Mayor Oral Taylor called the February 16th meeting to order. Father Mike Nolan opened the meeting with prayer.

PLEDGE OF ALLEGIANCE

Gus Collins led the Pledge of Allegiance.

CONSENT AGENDA

- a. Approval of the February 2, 2004, City Commission minutes
- b. Approval of the February 11, 2004, Work Session minutes.
- c. Approval of the Engineer’s Sixth Pay estimate dated February 10, 2004 on project No. 957 & 997 to the Contractor, Central Paving, in the amount of \$6,789.29.

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

Commissioner Clark seconded the motion. Motion carried 4-0.

888 MONIES – SPECIAL ALCOHOL PROGRAM

Vice Mayor Taylor stated that the Governing Body has received requests for the use of the alcohol tax monies for 2004. Representatives are available to answer questions from the Governing Body regarding their request. A history of the allocations and available monies has been provided to you. There is \$11, 800.00 approximately available. It is for specific uses only – drug alcohol treatment or drug alcohol prevention.

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Judge Gene White, 218 W. Central, requested monies be allocated to the Municipal Court for individuals needing treatment. These monies will be allocated to individuals that desperately need treatment and are unable to pay.

Commissioner Shepherd indicated that he feels some of the cost for drug/alcohol treatment should be included in the budget.

Commissioner Fagg asked how many related domestic violence cases involving alcohol incidences occurred.

Judge White indicated that it was 85%.

Roxann Cool, Family Life Center – 550 NW 20th, appeared representing the Safe House. Ms. Cool noted that other funding sources have been cut this year. She indicated that domestic violence and alcohol abuse go up every year. The Safe House has started a Women’s AA Group that meets once a week. Twelve women and three children are presently staying at the Safe House.

Assistant City Manager Gus Collins stated that the City has filed grants on their behalf and have been successful on an annual basis, providing \$20,000 to \$25,000 for the Safe House.

Kenneth Petts, 416 Hillside – Spice Organization, noted that most of the Spice monies provide assistance to the school children. There is a program in each elementary school. He noted that Spice received some monies from United Way funds.

Commissioner Shepherd asked if all the programs were aimed towards prevention.

Mr. Petts confirmed.

Linda Swan, 1403 Park, Youth Leadership Butler, requested \$300 from the 888 funds. Ms. Swan explained the Youth Leadership Butler program.

Commissioner Shepherd moved to allocate the alcohol tax monies in the following manner and to authorize the City Manager to execute the appropriate documents and contracts with the following recipients:

El Dorado Municipal Court - \$3,000
Family Life Center - \$6,000
Spice - \$2,500
Youth Leadership Butler - \$300

Commissioner Clark seconded the motion. Motion carried 4-0.

KDOT PROJECT NO. US-77 8K-3684-01 (City Project No. 242)
Improving US-77 from McCollum Road to Degraff

City Engineer Dave Wagner requested ¼ mile additional width on paving section. The project will be a 5- lane section from McCollum Road north to Mr. Wormser property. The section north of that will be a divided 4-lane with shoulders. At the turnpike an additional bridge will be added on the west side, then the bridge on the east side will be rebuilt.

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City Manager Stan Stewart noted that the majority of the growth of the City has occurred in this area.

City Commissioner Brian Shepherd indicated that the City formerly agreed to share the cost, but did not understand the additional three miles.

City Engineer Wagner stated that the State agreed to provide the improvement at no additional cost.

Vice Mayor Taylor stated that the action tonight would allow the Mayor to execute the supplemental agreement. The supplemental agreement states that all construction items included in the project plans will be paid for with state or federal funds except for \$350,000, which the City has agreed to contribute to the project.

ORDINANCE ISSUING BONDS S-1183

Commissioner Fagg moved that Ordinance No. S-1183, “an ordinance authorizing the issuance of bonds of the City of El Dorado, Kansas, in an amount not to exceed \$350,000 in payment of the cost or a part of the cost of Project No. 242, and providing for the issuance of temporary notes pending the issuance of such bond,” and further move that we advise the Secretary of Transportation that the City is interested in continuing with improving US-77 north of McCollum Road and authorize the Mayor and City to sign Supplemental No. 1, to Agreement No. 108-01, be approved.

Commissioner Shepherd seconded the motion.

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

**SET A PUBLIC HEARING DATE FOR PROJECT NO. 995
PAVING ADLESPERGER-SMITH ADDITION PHASE II**

Vice Mayor Taylor stated that Project No. 995 is complete. The Commission must set a hearing date to spread the costs to the properties involved. The streets paved are Emporia from Santa Fe to Finney and Santa Fe to Southwest Terrace.

ACCEPTING THE PROJECT AND SET ASSESSMENT HEARING DATE

Commissioner Shepherd moved that the City of El Dorado accept the completed work of Project No. 995 by Central Paving, Inc. and that the final cost be determined to be:

Preliminary Estimate	\$196,000.00
Final Cost	\$148,767.41
Unexpended	\$47,232.59
Improvement District Cost	\$105,420.29
City-at-large Cost	\$43,347.12

and that a Public Hearing be set at 7:30 p.m. on the 1st day of March 2004 for the purpose of considering the proposed assessments of the cost of Project No. 995 and that the City Clerk be directed to publish a notice in the Official City paper at least once not less than 10 days prior to the date of said meeting.

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Commissioner Shepherd has some questions about the sidewalks sloping on Village Road.

City Engineer Wagner stated that they had some problems with the cross slope, so they had to transition the paving section – they had to increase the slope to the sidewalk.

Commissioner Clark seconded the motion. Motion carried 4-0.

**PAVING PROJECTS – FIFTH AVENUE (Houser to Emporia)
AND 2004 SALES TAX PROJECTS**

Vice Mayor Taylor stated that the City Commission directed bids be taken on these projects. Bids were taken and the low bid was below the Engineers estimate. The instructions to bidders noted that it is the intent of the City to award a contract to the lowest responsible bidder of the Combined Base Bids for Project Nos. 205, 223, 224, and 235, providing the bid has been submitted in accordance with the requirements of the Bidding Documents, is judged to be reasonable, and does not exceed funds available.

The projects included in the bid letting are as follows:

2004 Sales Tax Projects

Project No. 223-Haverhill Road – (Towanda to Central) and Reconstruction of concrete pavement at the intersection of Haverhill and Towanda

Project No. 224 – Gordy St (Central to Third), First and Second Ave. (Gordy to Main) and (Main to Vine)

Project No. 205 – KLINK Resurfacing – Main (12th to Post) and Central (Griffith East to Bridge)

Petition Project

Project No. 235 – Fifth Ave. (Houser to Emporia)

ORDINANCE ISSUING BONDS S-1184

Commissioner Shepherd moved that Ordinance No. S-1184, an ordinance authorizing the issuance of bonds of the City of El Dorado, Kansas, in an amount not to exceed \$30,000 in payment of the cost or a part of the cost of Project No. 235, and providing for the issuance of temporary notes pending the issuance of such bond,” be approved.

Commissioner Fagg seconded the motion

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

Vice Mayor Taylor asked that the bids be spread on the record as follows:

Engineer’s Estimate	\$553,138.49
Kansas Paving	\$385,249.74
APAC – Kansas	\$418,745.39
Cornejo & Sons	\$427,652.99
Ritchie Paving	\$561,999.80

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AWARDING THE CONTRACT

Commissioner Shepherd moved that as Kansas Paving has submitted the lowest and best combined bid for Project Nos. 205,223, 224 and 235, and since their bid of \$385,249.74 was under the Engineer's Estimate, the City Manager be directed to award the contract to said contractor providing that the company furnishes the proper bonds.

Commissioner Clark seconded the motion. Motion carried 4-0.

BACKFLOW PREVENTOR COMPLIANCE AMENDMENT

Vice Mayor Taylor stated that in accordance with State law, the City of El Dorado's Municipal Code currently provides for the requirement of annual inspections of backflow preventors. Staff is recommending amending the code to allow the authority to assess a penalty for non-compliance.

City Manager Stewart stated that the program has been in effect for two years. The proposal helps ensure compliance.

Director of Public Utilities Kurt Bookout stated that the City has been actively implementing the Cross Connection Program. There has been some trouble getting landscape irrigation systems in compliance. Mr. Bookout stated staff is searching for a method that is mutually beneficial. Historically staff has sent three letters to each individual. The changes will simplify that. If the City has not received the test results by July 1st each year, then a \$10.00 penalty will be assessed on their water bill.

Mr. Bookout stated that he felt the Cross Connection Program is an important part of protecting the water distribution system and water supply. He stated that every tap that they make and every sprinkler system that they add is adding to the complexity of the distribution system. This program is making the water safer.

Commissioner Shepherd asked why the water has not been disconnected if some property owners have not complied.

Mr. Bookout stated that the first year was 100% compliance. It became a battle every year to get these tested. They are doing all the implementation with limited staff. They are doing a vast amount of extra duties. The recommendation before the Commission would considerably reduce the manpower required and would be less confrontational than turning off the water service.

Commissioner Shepherd stated that he felt the water should be turned off if they do not comply with the ordinance.

Vice Mayor Taylor moved that Ordinance No. G-956, an ordinance providing for penalties for failure to obtain backflow inspections and make corrections, be approved.

Commissioner Fagg asked how many water irrigation systems are in El Dorado.

Mr. Bookout stated that there are 416 landscape irrigation systems in the City. In 2002 12.4% of the irrigation systems failed the first time tested and in 2003 20.4% tested failed the first time.

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

CITY MANAGER'S REPORT

City Manager Stan Stewart noted the following:

1. Town Hall Meeting – Thursday, February 19th at 7:00 p.m. at the Library. Talk about the street program and then open it up for public comment.
2. Work Session Meeting – Tuesday, February 25th at 4:00 p.m.
3. City Hall remodeling is on schedule.
4. Lance Whitworth's last day was Friday, February 13th.
5. Shaunna Johnson has given her resignation.

COMMISSIONER FAGG

Commissioner Fagg suggested that the City Commission consider no longer making appointments to El Dorado Inc. He asked if it was required.

Commissioner Fagg also asked several questions:

Board of Building Appeals – could they be more active?

Is there any reason why the City Manager needs to appoint that – could each Commissioner appoint one person to that committee?

Commissioner Fagg stated that on Housing Code – rental vs. owner, safety vs. cosmetic- he feels if anyone signs a complaint on one of these types of issues that they should be subject to the same rules and regulations that the Code requires.

Commissioner Shepherd stated that he wants it to be fair.

City Attorney Mike Coash stated that if you are an owner/occupant, you are not held to any standards at all. The City has no authority to inquire about the status of that house. It is only when the owner is holding it out to the public for a rental. That is what the Code and State law says.

ADJOURNMENT

Vice Mayor Taylor adjourned the meeting at 9:15 p.m.

City Clerk Dee Anne Grunder

Vice Mayor Oral W. Taylor