

**EL DORADO CITY COMMISSION MEETING MINUTES**

**February 17, 2003**

The El Dorado City Commission met in regular session on February 17, 2003. The following were present: Mayor Connie Phillips, Commissioner Oral Taylor, Commissioner Betty Criss, Commissioner Brian Shepherd, Commissioner Brian L. Clites, City Manager Stan Stewart, Assistant City Manager Gus Collins, Interim City Clerk Shaunna Johnson, and City Attorney Mike Coash.

**VISITORS**

Tim Engels	2753 W 3 <sup>rd</sup>	El Dorado, Kansas
Walleye (Gary Ball)	817 W 4 <sup>th</sup>	El Dorado, Kansas
Linda Clark	1112 Rim Rock	El Dorado, Kansas
Joe Blount	635 N Star	El Dorado, Kansas
Jerry Blount	131 Hillside	El Dorado, Kansas
Nellie Smith	601 N High	El Dorado, Kansas
Leonard Smith	601 N High	El Dorado, Kansas
Don Adlesperger	1285 S Topeka	El Dorado, Kansas
Richard Edds	1815 Quail Run	El Dorado, Kansas
Chester McCoy	336 Simpson	El Dorado, Kansas
Lionel Tipton	1845 Terrace	El Dorado, Kansas
William Kloeblen	1770 Country Club Rd #2	El Dorado, Kansas

**PLEDGE OF ALLEGIANCE**

Adam Collins led the audience and the Governing Body with the pledge of allegiance:

**PERSONAL APPEARANCE**

**Gary Ball, 817 W 4<sup>th</sup>, El Dorado, KS**

Mr. Ball expressed his concern with the 5-mile city limit requirement for city employees and requested that the City Commission review this policy.

**CONSENT AGENDA**

- A. Approval of the February 3, 2002 City Commission minutes.
- B. Approval of the February 12, 2003 Work Session minutes.
- C. Approval of a contract for auditing services with George, Bowerman Noel & Deutsch, P.A. This is the third year of a 3-year contract.

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

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

**ORDINANCE NO. G-940 – Water Drought/Emergency Plan**

**ORDINANCE NO. G-940**

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Commissioner Clites moved that Ordinance No. G-940, an ordinance providing for the planning, conservation, and education of water conservation and a notification plan of water drought/emergency, be approved.

Commissioner Shepherd seconded the motion.

**ROLL CALL**

Position No. 1	Commissioner Oral Taylor	yes
Position No. 2	Commissioner Betty Criss	yes
Position No. 3	Commissioner Brian Shepherd	yes
Position No. 4	Commissioner Brian L. Clites	yes
	Mayor Connie Phillips	yes

**VARIANCE REQUEST AT SOUTHEAST CORNER OF TOPEKA AND BENTON**

Ms. Johnson indicated that the Planning Commission reviewed this variance request at their January 30, 2003 Planning Commission meeting. The Planning Commission reviewed this request and recommended approval. Ms. Johnson pointed that Mr. Engels is requesting a variance from the yard regulations for the property he owns on the southeast corner of Topeka and Benton Avenue. Lot 8 has an existing rental house on it and lot 9 is vacant. Ms. Johnson pointed out that the corner lot only had a very small area that is even buildable being it must maintain front yard setbacks on both street sides. She said that Mr. Engles would like to divide the two lots on the Topeka side in half, creating two lots which would be approximately 66’x80’. In order to do this; Ms. Johnson indicated that Mr. Engles would need a variance from the yard regulations allowing him to create the two lots, which are under the required 70’ minimum lot width dimension. In addition to this, Mr. Engles would like to maintain the setbacks that are established for this neighborhood. This would allow him to have 5’ side yard setbacks verses 8’ required by the Zoning Regulations and a 25’ front yard setback verses a 30’ front yard setback as required by the Zoning Regulations.

Mr. Engles, 2753 W 3<sup>rd</sup>, indicated that he believes this is a good use of the property and would like to see the City Commission approve his request.

**VARIANCE REQUEST**

Commissioner Shepherd moved to approve the requested variance from the yard regulations as presented.

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

**PROJECT NO. 944 & 985**

Bids were taken and spread for Project No. 944 KLINK resurfacing Central Avenue (School to State) and Project No. 985 KLINK resurfacing Central Avenue (State to Jones) and Main Street (Post to McCollum Rd). The low bidder was Central Paving, Inc.

**RECEIVING THE BIDS**

Mayor Connie Phillips spread the bids for the record

**AWARDING THE CONTRACT**

Commissioner Taylor moved that as Central Paving, Inc. has submitted the lowest and best bid for the combined bid for Project Nos. 944 and 985, and since their bid of \$650, 760.19 was under the Engineer’s Estimate, the City Manager be directed to award to the contract to said Contractor for the construction of said projects providing that the company furnishes the proper Statutory and Performance and Maintenance Bonds.

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

XXXXXXXXXXStopped HereXXXXXXXXXXXXXX

**RESOLUTION NO. 2409 - PROJECT NO. 1001 – PETITION FOR SIDEWALKS – WEST SIDE 400 BLOCK S. MAIN**

The owners along the west-side of the 400 Block S. Main have requested sidewalk improvements. The Comprehensive Development Grant and Sales Tax will assist in the funding on this project.

**RESOLUTION NO. 2409**

Commissioner Taylor moved that the Petition and Report of Sufficiency be accepted and that Resolution No. 2409, a resolution of Advisability/Necessity Combined for Projects

No. 1001, be adopted, and that the City Manager be directed to negotiate a contract with Demo Construction for this work.

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

**PROJECT NO. 988 – SANITARY SEWERS TO SERVE BANKS-WILLHITE FIRST ADDITION AND PROJECT NO. 994 – SANITARY SEWERS TO SERVE ADLESPERGER-SMITH ADDITION PHASE II**

Mayor Phillips stated that the City Commission had directed that bids be taken on these two projects. Bids were taken and the low bid was below the Engineers Estimate.

**ORDINANCE NO. S-1151**

Commissioner Criss moved that Ordinance No. S-1151, the same being, "AN ORDINANCE AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY OF EL DORADO, KANSAS, IN AN AMOUNT NOT TO EXCEED \$46,500.00 and \$330,000.00 IN PAYMENT OF THE COST OR A PART OF THE COST OF PROJECT NO.994 AND 988 RESPECTIVELY, 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 Clites seconded the motion.

**ROLL CALL**

Position No. 1	Commissioner Oral Taylor	yes
Position No. 2	Commissioner Betty Criss	yes
Position No. 3	Commissioner Brian Shepherd	yes
Position No. 4	Commissioner Brian L. Clites	yes
	Mayor Connie Phillips	yes

**RECEIVING THE BIDS**

Mayor Connie Phillips spread the bids for the record.

**Project No. 994**

Engineer’s Estimate	\$ 39,131.40
Alan’s Excavating	17,793.62
Banks Construction	18,696.94
Middlecreek Mining	20,521.80

**Project No. 988**

Engineer’s Estimate	\$286,807.80
Alan’s Excavating	132,074.64
Middlecreek Mining	187,714.80
Banks Construction	213,247.41

**AWARDING THE CONTRACT**

Commissioner Criss moved that as Alan’s Excavating has submitted the lowest and best bid for the combined bid for Project Nos. 994 and 998 and since their combined bid of \$149,868.26 was under the Engineer's Estimate, the City Manager be directed to award the

contract to said Contractor for the construction of said projects providing that the company furnishes the proper Statutory and Performance and Maintenance Bonds.

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

**REFUSE RATE INCREASE**

Assistant City Manager Gus Collins explained that the 2003 Budget document provides for an increase in the refuse rate structure. The proposed rate increase is \$.75 for residential customers and a 5% increase to the commercial customers. Mr. Collins further stated that provided there are not any unexpected costs to the refuse system, such as significant increases at landfill, the proposed rate structure should remain constant through the year 2005.

City resident Mike Glendening, 801 W. Cave Springs, addressed the Governing Body regarding the proposed increases to the refuse system. He questioned the Governing Body for considering a rate increase and asked why the needed funds could not come from another source such as the sales tax.

City Manager Stewart explained that the landfill has increased their tipping charge per ton, therefore the approval of the proposal would pass that increase to the customers. Mr. Stewart further explained that the use of sales tax funds is designated by Ordinance. The use of this revenue could not be used for operating cost in the refuse fund.

Mr. Glendening stated that he would prefer to terminate the curbside recycling and make other changes to the refuse service to provide, in his opinion, better services and better rates.

Commissioner Shepherd stated that although he understands the need to generate more funds for the refuse fund, he would prefer to have the entire system reviewed. He stated that, in his opinion, there are ways to improve the refuse system, which would not only improve the services that are provided but the refuse rates as well.

**ORINANCE NO. G-939**

Commissioner Criss moved that Ordinance No. G-939, an ordinance providing an adjustment to the refuse rate structure, be approved.

Commissioner Clites seconded the motion.

**ROLL CALL**

Position No. 1	Commissioner Oral Taylor	yes
Position No. 2	Commissioner Betty Criss	yes
Position No. 3	Commissioner Brian Shepherd	no

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Position No. 4	Commissioner Brian L. Clites	yes
	Mayor Connie Phillips	yes

**BOARD APPOINTMENTS**

**RECREATION ADVISORY COMMITTEE**

Commissioner Shepherd moved to reappoint Keith Balzer and Rick Smith to the Recreation Advisory Committee for a two-year term ending January 15, 2005 and to appoint Jane Squires and Shane Steinkamp to the Recreation Advisory Committee for the remainder of terms expiring on January 13, 2004.

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

**MISCELLANEOUS**

**WORK SESSION**

A work session was scheduled for Tuesday, January 21, 2003 at 11:30 a.m.

**ADJOURNMENT**

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**Interim City Clerk Shaunna Johnson**

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**Mayor Connie Phillips**

