

**EL DORADO CITY COMMISSION MEETING March 1, 2004**

The El Dorado City Commission met in regular session on March 1, 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, City Engineer Dave Wagner and Mayor Connie Phillips.

**VISITORS**

Leonard & Nellie Smith	601 N. High	El Dorado, Kansas
Gary L. Ball	817 W/ 4 <sup>th</sup> Ave.	El Dorado, Kansas
Mac & Cathy Hicks	424 Oil Hill Rd.	El Dorado, Kansas
Pat Hicks	1147 S. Arthur	El Dorado, Kansas
James Cook	719 Fredrick Drive	El Dorado, Kansas
Chet McCoy	336 Simpson Rd.	El Dorado, Kansas
Jerry Mosier	100 S. Summit #2	El Dorado, Kansas
Mike Glendening	801 Cave Springs	El Dorado, Kansas
George Fagg	320 N. Atchison	El Dorado, Kansas
Dianne Meyer	1950 Jason Drive	El Dorado, Kansas
Pete Knoop	301 N. Washington	El Dorado, Kansas
Marcia Greene	250 NE 30 <sup>th</sup>	El Dorado, Kansas
Brenda Yarnall	619 Marmaton	El Dorado, Kansas
Steve Little	9814 Howe Dr.	Overland Park, KS
Susan Evenson	1506 W. 2 <sup>nd</sup>	El Dorado, Kansas
Kathy Guy	807 S. Andover	Andover, Kansas
Brad Smith	220 E. 1 <sup>st</sup>	El Dorado, Kansas
Sherry Scheuber	415 Oil Hill Rd	El Dorado, Kansas
Frank Wartick	2310 SW 63 <sup>rd</sup> Terrace	El Dorado, Kansas
Gene Rush	316 Hillcrest	El Dorado, Kansas
Bill Thompson	305 Oil Hill Rd	El Dorado, Kansas
Larry Shane Tong	10142 SW Haverhill Rd	El Dorado, Kansas
Larry Tong, II	425 Oil Hill Rd	El Dorado, Kansas
Mark Riddle	515 W. Summit	El Dorado, Kansas
Donald Adlesperger	1285 S. Topeka	El Dorado, Kansas
Leo Erpelding	223 S. Emporia	El Dorado, Kansas

**INVOCATION**

Mayor Connie Phillips called the March 1<sup>st</sup> meeting to order. Father Mike Nolan opened the meeting with prayer.

**PLEDGE OF ALLEGIANCE**

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

**CITIZEN OF THE MONTH**

Commissioner Mike Fagg presented to Leo Expelding the “*Citizen of the Month*” award.

**PERSONAL APPEARANCE**

Marsha Greene, 250 NE 30<sup>th</sup> – representing the ArtScape Committee explained the upcoming event “Enplein Air, El Dorado, Kansas dorado Art Fair” to be held Saturday, October 9<sup>th</sup> from 9:00 a.m. – 5:00 p.m.

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The Committee would requested approval to block off the 100 block of Gordy and E/W Pine. The Commission granted approval.

**CONSENT AGENDA**

- a. Approval of the February 16, 2004, City Commission minutes
- b. Approval of the February 25, 2004, Work Session minutes.
- c. Approval of Appropriation Ordinance No. 02-04 in the amount of \$1,019,354.36.
- d. Approval the Engineer's First Pay Estimate dated February 24, 2004 on Project No. 217 Sanitary Sewer for Potter's Second Addition to the Contractor, Kansas Paving, in the amount of \$32,964.00.
- e. Approval of the Engineer's First Pay Estimate dated February 24, 2004 on Project No. 218 Paving Potter's Second Addition to the Contractor, Kansas Paving, in the amount of \$27,896.70.
- f. Approval of the Engineer's Sixth and Final Pay Estimate dated February 24, 2004 on Project No. 990 Paving Banks-Willhite Addition Phase I, to the Contractor, Central Paving, in the amount of \$7,382.40, at the completion of the project seeding.
- g. Approval of Resolution No. 2451, a resolution in support of the FairFare\$ program.

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

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

**BUTLER COUNTY MITIGATION – RESOLUTION NO. 2452**

Assistant County Emergency Director Kathleen Guy would present the Federal Emergency Management Association Mitigation Plan for Butler County to the City Commission.

Ms. Kathleen Guy, gave a brief review on the County's mitigation plan. Mitigation is defined as any action that reduce or prevent accidents. Mrs. Guy stated that without the plan the City of El Dorado would not be eligible for federal mitigation funds.

Commissioner Clark moved that Resolution No. 2452, a resolution to formally adopt the Enhanced Mitigation Plan for the City of El Dorado located within the incorporated area of Butler County, Kansas, be adopted.

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

**AUTOMATIC AID AGREEMENT – FIRE PROTECTION - TOWANDA**

Mayor Phillips stated that typically, mutual aid for fire protection is provided for surrounding areas outside the City of El Dorado. The City of Towanda is requesting an agreement for automatic aid between the cities' fire departments. A plan has been submitted to the Commission for review.

Chief Brad Smith, El Dorado Fire Department stated that the difference for automatic aid and mutual aid is on a structure fire, both El Dorado and Towanda would be paged at the same time.

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Commissioner Fagg questioned the benefit.

Chief Smith stated that history would indicate that we receive more benefit.

Commissioner Fagg moved to accept the agreement for “automatic aid” and to authorize Fire Chief Brad Smith to sign as the representative of the City of El Dorado.

**KANSAS TASK FORCE – RESOLUTION NO. 2453**

Mayor Phillips asked Chief Brad Smith to explain the Kansas Task Force.

Chief Brad Smith, El Dorado Fire Department stated that in 2002 the State recognized a need for additional training in the case of a catastrophic event. The Federal Government provides money for training. The City provides manpower only. There is no direct cost to the City.

Commissioner Shepherd moved that Resolution No. 2453, a resolution of support of using local resources to participate in the Kansas Task Force One concept, be approved.

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

**PROJECT NO. 916-PAVING OIL HILL ROAD (Central to Sixth)**

Mayor Phillips stated that one of the City Commission’s goals is to have all streets in the City paved to City standards. A policy was adopted in 2002 allowing these procedures within a specific time frame for arterial and collector streets. Oil Hill Road, from Central to Sixth, is scheduled for the year 2004. On December 15 a public hearing was held and the improvements were authorized. The City Clerk received a protest petition on January 22<sup>nd</sup>. Tonight the Commission will determine the sufficiency of that petition. The progress of the project is as follows:

- November 17-Commission set a hearing date by resolution
- December 15-Commission held a Public Hearing for the Public’s comments
- December 15-Commisison authorized and ordered in the project
- January 2<sup>nd</sup>-Resolution Published
- January 22<sup>nd</sup>-Received a Protest Petition-Final Date to Submit a Protest Petition
- March 1<sup>st</sup>-Check Sufficiency of Petition

City Clerk Dee Anne Grunder reported that one person has signed to have his name removed from the petition, which puts the actual area of project petition below the sufficiency level. The area necessary for the protest petition is 50.1% and the actual area of petition 49.3%.

Bill Thompson, 305 Oil Hill Road asked what the public-at-large owes overall.

Mike Glendening, 801 Oil Cave Springs questioned Mr. Collins about the quote in the paper.

Gus Collins, Assistant City Manager stated that he was referring to assessments of new additions. He stated that any type of development has those types of costs and has additional specials.

Mr. Glendening asked if it would affect the sale of his property?

Mr. Collins confirmed.

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Mr. Glendening stated all property owners should be offered the same deals that Mr. Cox was offered – removal of fence, build property up, buy new post to put fence up.

Commissioner Taylor stated that it would be no problem sending a letter indicating that there is available fill dirt but the quantity or quality may not be acceptable.

Mac Hicks, 424 Oil Hill stated that he has drainage problems and would be willing to negotiate easement.

Frank Wartick, representing (Southern Baptist Church) 315 & 200 Oil Hill Road, believes the drainage may be different than he understood.

City Engineer Dave Wagner, stated that a portion of storm water would be diverted to the existing drainage ditch and a pipe will be installed north of the Braum's property that will handle a portion of the storm water.

Commissioner Shepherd asked if Mr. Wartick was for or against the project?

Gene Rush, 316 Hillcrest stated that he is for the project and wanted the Commission to know that others are also in support.

Gary Ball, 17 W. 4<sup>th</sup> stated that he would like to have seen Cox's letter in the packet of information that was sent by the City to the property owners in due

Jim Miller, 345 Huntoon Road wanted clarification on whether property owners who lives outside City can sign the petition. Commissioner Taylor stated that was not correct . He noted that there are several methods in which non-resident property owners can not sign depending if the petition is for or against the project.

Pete Knoop, 301 N. Washington, asked if the State could opt in and out when they desired?

City Manager Stan Stewart stated that the State determines if the improvement benefits the property. In this case, the State has indicated they would participate in the cost.

Commissioner Taylor stated that the State law does not allow the City to exempt any property from the petition.

Katherine Hicks, 424 Oil Hill Road, stated that there are options if the project goes through that Kansas statute chapter 12, article 6-a gives the people the right to set aside or question the validity of the proceedings and they shall be brought after the expiration of 30 days if it is passed tonight from the publication.

Mayor Phillips opened for the meeting for discussion from members of the Commission.

Commissioner Fagg moved that the protest petition is not sufficient on project 916.

Commissioner Shepherd seconded the motion.

Commissioner Shepherd stated that he understood it was the Commission's job to determine sufficiency of petition.

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Commissioner Fagg feels the petition is legal, but feels more information was needed.

Mayor Phillips moved to deem that the protest petition is not sufficient. Motion carried 4-1 – Commissioner Shepherd opposed.

Commissioner Shepherd moved to appeal Resolution R2444, Resolution initiating 916, project to pave Oil Hill Road.

Commissioner Fagg seconded the motion.

Commissioner Clark stated that she feels Oil Hill Road definitely needs paved and is in favor of going forward with the project.

Commissioner Shepherd stated that he feels it is a fairness issue. He stated he was in favor of the project but we should allow more time to the property owners.

ROLL CALL TO RESCIND RESOLUTION R2444

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

Motion failed.

**REALESTATE TAX EXEMPTION –  
FLINTHILLS FIRE & RESCUE APPARATUS**

Mayor Phillips stated that the Flinthills & Fire Rescue is beginning operation for the maintenance and repair of various emergency vehicles.

Mark Riddle, 515 N. Summit, owner FFRA gave a brief overview of his business. His business will consist of refurbishing cars into Police Department vehicles and making pickups into fire fighting equipment. Mr. Riddle is requesting a real estate exemption.

Mayor Phillips noted that the property had been previously purchased and granted tax exemptions to prior owner.

Assistant City Manager Gus Collins stated that exemption was granted, but property went back on tax rolls after the first year.

Commissioner Taylor moved that Ordinance No. S-1185, an ordinance providing for property tax exemption for property at 1105 N. Oil Hill Road, be approved.

Commissioner Clark seconded the motion.

**COMMENTS AND QUESTIONS**

Commissioner Fagg asked if the City collected \$100.00 for the application fee or the annual from those already granted? Mr. Fagg stated that the City needs to be consistent in how tax exemptions are handled.

Commissioner Shepherd asked if Mr. Riddle works for the City of El Dorado.

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City Manager Stan Stewart stated that he intends to provide an updated version of the policy.

**PUBLIC HEARING**

No one appeared.

**ROLL CALL**

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

**PUBLIC HEARING – PROJECT NO. 995  
PAVING ADLESPERGER-SMITH PHASE II**

Mayor Phillips stated that the City Clerk has published a notice of public hearing, and a statement of the cost proposed to be assessed has been mailed to the owners of the property made liable to pay the assessment on Project No. 995-Paving Adlesperger-Smith Phase II. The streets paved are Emporia from Santa Fe to Finney and Santa Fe to Southwest Terrace.

**PUBLIC HEARING**

No one appeared.

Mayor Phillips stated that the total cost of the assessment will be \$67,477.62.

Commissioner Shepherd moved that the proposed assessments on Project NO. 995 be approved and that Ordinance No. S-1186 be adopted.

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
	Mayor Connie Phillips	yes

**SET A PUBLIC HEARING FRO PROJECT NO. 990-  
PAVING BANKS-WILLHITE ADDITION PHASE I**

Mayor Phillips stated that Project No. 990. The staff recommends that the project be accepted except for the seeding and that the hearing be set for March 15, 2004. This would set out the assessment cost for the project.

Commissioner Taylor 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	\$650,000.00
Final Cost	\$449,402.12
Unexpended	\$200,597.12
Improvement District Cost	\$240,125.14
City-at-Large Cost	\$209,276.98

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and that a notice of public hearing by this Commission at 7:30 p.m. on the 15<sup>th</sup> of March, 2004, for the purpose of considering the proposed assessments of the cost of Project No.

990 and that the City Clerk be directed to cause a notice in the Official City paper at least once not less than 10 days prior to the date of said meeting.

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

**CITY MANGER'S REPORT**

City Manager Stan Stewart noted the following:

1. Work Session Meeting – Monday, March 8<sup>th</sup> at 3:30 p.m.
2. Butler County Outlook Conference, March 4<sup>th</sup>.
3. Basketball Tournament was very successful.
4. FairFair\$ Resolution – deserves our support; other airlines now cheaper due to competition.

**ADJOURNMENT**

Mayor Phillips adjourned the meeting at 9:46 p.m.

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City Clerk Dee Anne Grunder

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Mayor Connie Phillips

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