

EL DORADO CITY COMMISSION MEETING

March 3, 2008

The El Dorado City Commission met in regular session on March 3, 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, City Clerk Kendra Porter and Assistant City Engineer Scott Rickard.

VISITORS

Robert and Beverley Wood	1460 N. Topeka	El Dorado, Kansas
Kyle McLaren	3096 N.E. Parallel	El Dorado, Kansas
Brad Meyer	2012 Chelsea Dr.	El Dorado, Kansas
Jim Schmidt	2100 N. Ottio	Augusta, Kansas
Matt Rehder	220 E. First	El Dorado, Kansas
Steve Hysom	1740 W. Third	El Dorado, Kansas
Cliff Rogers	3425 W. Towanda	El Dorado, Kansas
Darrel and Sue Erikson	3435 W. Towanda	El Dorado, Kansas
Gary Boardman	3355 W. Towanda	El Dorado, Kansas
R.L. and Evelyn Saferite	3215 W. Towanda	El Dorado, Kansas
Donald Matthews	West Sixth	El Dorado, Kansas
Kristin Royse	528 Marmaton	El Dorado, Kansas
Janell Graves	720 W. Tenth	El Dorado, Kansas
Natalie and Tim Donges	2873 S.E. Hwy 54	El Dorado, Kansas
Karis Schwindt	3515 W. Towanda	El Dorado, Kansas
Doug Mick		Newton, Kansas
Brian Kellmann	El Paso Corp.	Colorado Springs, Colorado
Larry Adams	1756 W. Third	El Dorado, Kansas
Donald Adlesperger	1285 S. Topeka	El Dorado, Kansas
Julie Anderson	El Dorado Times	El Dorado, Kansas
Tom Murry	1650 Jason Dr.	El Dorado, Kansas
Bruce Andrews	802 W. Sixth	El Dorado, Kansas
Raul Gonzales	707 W. 13 th	El Dorado, Kansas

CALL TO ORDER

Mayor Tom McKibban called the March 3, 2008, City Commission meeting to order.

INVOCATION

Reverend Steve Hysom, Trinity United Methodist Church, opened the meeting with prayer.

PLEDGE OF ALLEGIANCE

Building Inspector Kyle McLaren led the Pledge of Allegiance.

PROCLAMATION

Mayor Tom McKibban read a proclamation to proclaim the week of March 10, 2008, through March 14, 2008, as Severe Weather Awareness Week.

Jim Schmidt, Butler County Emergency Management, explained the importance of severe weather awareness with spring approaching. Mr. Schmidt stated that March 10, 2008, at 6:30 p.m. there will be a weather spotting class held at the 4-H Building, and invited everyone to attend.

PUBLIC COMMENTS

Mayor Tom McKibban opened the floor for public comments.

Darrel Erikson, 3435 West Towanda, asked for clarification of how the College Acres residents would be without homes unless they were annexed.

City Manager Herb Llewellyn stated that the State requires that the College Acres division abandon the lagoon system and be connected to the City sewer system. In order for this to happen, College Acres will need to be annexed per City code. City Manager Llewellyn further stated that a home without a wastewater system is not habitable.

Mayor Tom McKibban closed the public comment session.

CONSENT AGENDA

- a) Approval of the February 18, 2008, City Commission minutes.
- b) Approval of Appropriation Ordinance No. 02-08 in the amount of \$1,452,888.05.

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

Commissioner Steve Reynolds seconded the motion.

Motion carried 5-0.

SETTING A PUBLIC HEARING – COLLEGE ACRES ANNEXATION

City Manager Herb Llewellyn stated that the Kansas Department of Health and Environment has notified Butler County of its intent to revoke the wastewater discharge permit for College Acres subdivision. They also are requiring that College Acres discharge into the City of El Dorado's waste water collection system. The City requires that anyone wishing to hook up to our system be annexed into the City per Municipal Code 13.16.020(E). This resolution was first passed on December 17, 2007. Staff failed to publish the proper public hearing notice. This resolution will allow the public to express their opinion about the annexation. This action will initiate the process, which includes the setting of a public hearing, to integrate land to the west of the City.

Discussion ensued amongst City Manager Herb Llewellyn and the City Commissioners regarding the annexation of College Acres.

No motion was made at this time.

City Manager Herb Llewellyn stated that since there was no motion, he would send a letter to Butler County informing them of the City Commissioner's discussion.

STADIUM AND TRACK AND FIELD PROJECT UPDATE

Mayor Tom McKibban stated that at the December 3, 2007, City Commission meeting, the Commission appointed Tom Murry as a city at large member of the community Stadium and Track and Field project. The Commission also appointed Commissioner David Chapin as its Commission representative to the project with Commissioner Steve Reynolds as an alternate.

Tom Murry, 1650 Jason Drive, updated the Commissioners on the recent events regarding the stadium and track and field project. Mr. Murry stated that Sandy Hull has been hired to help determine the overall needs of the stadium.

Discussion ensued amongst the City Commission and Tom Murry regarding this project and the possible funding that will be required.

**PUBLIC HEARING FOR PROJECT NO. 301 – PAVING TOPEKA STREET
(SIXTH AVENUE TO REFINERY ROAD)**

Assistant City Engineer Scott Rickard stated that the purpose of this agenda item is to hold a public hearing, and then consider authorizing the improvements of paving North Topeka Street. Property owners were notified by mail of this meeting. In addition, two publications were placed in the El Dorado Times. Property owners will have 20 days after the publication of the Resolution authorizing the project to protest. Staff will create a protest petition if an owner wishes to carry the petition

PUBLIC HEARING

Mayor Tom McKibban opened the floor for the public hearing.

Commissioner Steve Reynolds read a prepared statement from Robert Neumayer who resides at 1320 North Topeka.

Commissioner Linda Clark read a prepared statement from Virginia Hedrick who resides at 1528 North Topeka.

Mayor Tom McKibban read a prepared statement from John Brickley, who has a rental property at 924 North Topeka.

Tim Donges, 2873 S.E. Hwy 54, stated that he has rental property on North Topeka, and addressed his concerns regarding paving North Topeka Street.

Bruce Andrews, 802 West Sixth, requested clarification as to why his property is included in the benefit district since his property does not intersect Topeka Street.

Assistant City Engineer Scott Rickard explained the conditions of a benefit district.

Brian Kellmann, with El Paso Corporation, gave an update on the demolition of the old refinery and requested that the City of El Dorado wait to repave North Topeka. The demolition process will involve heavy equipment traffic over the road for the next five to ten years.

Janell Graves, 720 West Tenth, addressed her concerns regarding paving North Topeka.

City Manager Herb Llewellyn explained the conditions of the benefit district being able to petition out.

Natalie Donges, 2873 S.E. Hwy 54, stated that she did not see the need for a petition due to the response from the benefit district.

Beverly Wood, 1460 North Topeka, read a prepared statement addressing her concerns of paving North Topeka Street.

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Robert Wood, 1460 North Topeka, inquired on removing an old siren that is on his property.

Mayor Tom McKibban stated that the issue will be addressed, and City staff will be in contact with Mr. Wood.

Raul Gonzales, 707 West Thirteenth Street, stated his concerns regarding the paving of North Topeka Street.

Janell Graves, 720 West Tenth, stated her preference of having North Topeka graveled to give the feeling of living in the country.

Larry Adams, 1756 West Third, inquired on residency clarification.

City Manager Herb Llewellyn explained the State statue regarding property ownership and residency ownership, stating that property owners must live in the city limits.

Don Adlesperger, 1285 South Topeka, asked about the petition requirements.

City Manager Herb Llewellyn stated that the petition is available right now if the City Commission approves the paving of Topeka.

Discussion ensued amongst City Manager Herb Llewellyn, Assistant City Engineer Scott Rickard, Assistant Public Works Director Brad Meyer and the Commission regarding paving North Topeka.

Consensus of the City Commission was to leave North Topeka as is and to maintain as needed.

SALES TAX TASK FORCE COMMITTEE

Mayor Tom McKibban stated that at the February 18, 2008, City Commission meeting, the City Commission appointed the majority of the Sales Tax Task Force members. The Mayor still needs to appoint two at-large members and Commissioner Clark needs to appoint four at-large members.

Commissioner Linda Clark moved to appoint the following citizens to serve on the Sales Tax Task Force until this project is complete:

Sales Tax Advisory Committee (1 Planning Commission appointee)
Wayne White;

El Dorado Inc. (1 appointee)
Vince Haines;

Youth Commission (2 appointees)
Clint Harden and Laura Haines;

At-Large (6 appointees)
John Peiffer, Zach Sundgren, Kathie Monroe, Stew Cauble (Commissioner Clark), Sean McKibban and Eddie Dean, Jr. (Mayor McKibban), Peter Todd (Commissioner Chapin).

Commissioner Steve Reynolds seconded the motion.

Motion carried 5-0.

NEW BUSINESS – DISCUSSION ITEMS

Mayor Tom McKibban opened the floor for Commissioners' comments.

Commissioner David Chapin stated that the recent economic round table discussion was very informative and thanked Mayor McKibban and everyone involved who helped make it a success.

Commissioner Steve Pershall stated that he supported the North Topeka project; however, he did realize the financial burden it would have caused fellow residents. Commissioner Pershall requested that City Staff discuss the pending truck traffic with El Paso Corporation.

Commissioner Linda Clark stated that the economic round table meeting was very informative and thanked everyone involved.

Commissioner Steve Reynolds inquired as to when the annual City wide clean up will be scheduled.

Assistant Public Works Director Brad Meyer stated that the City wide clean up is normally the second week in April. The actual date will be published in the El Dorado Times and on Channel 7.

Commissioner Steve Reynolds inquired on the future paving of Boyer Road and Sixth Avenue.

Discussion ended amongst Assistant City Engineer Scott Rickard, City Manager Herb Llewellyn and the Commissioners regarding Boyer Road and Sixth Avenue.

Commissioner Steve Reynolds stated that he felt the economic round table discussion was very beneficial.

City Manager Herb Llewellyn stated that a summary of what was discussed during the round table will be provided to all who attended.

Mayor Tom McKibban thanked everyone for their participation of the economic round table.

Mayor Tom McKibban closed the Commissioners' comments.

CITY MANAGER'S REPORT

1. Public Utilities Director Kurt Bookout stated that the newly completed wetlands reclamation facility was chosen by the American Public Works Association as project of the year and updated the commission on the facility operation.
2. City Manager Herb Llewellyn updated the Commissioners on the 1958 Tornado Memorial project.

Commissioner Steve Pershall stated that the project is still on schedule for the dedication ceremony on June 10, 2008, at 5:45 p.m. which will be the 50 year anniversary.

3. Assistant City Engineer Scott Rickard updated the Commissioners on the North Main Bridge and the Ninth Avenue Bridge.

4. City Manager Herb Llewellyn stated that there will be a Work Session Wednesday, March 12, 2008, at 3:30 p.m.

EXECUTIVE SESSION

Mayor Tom McKibban stated that this item is for the purpose of discussing legal and non-elected personnel issues.

Commissioner Steve Reynolds moved to recess into an Executive Session for the purpose of discussing legal and non-elected personnel issues, and to reconvene the regularly scheduled meeting in the City Commission room at 9:45 pm.

Commissioner Linda Clark seconded the motion

Motion carried 5-0.

Mayor Tom McKibban reconvened the meeting at 9:45 p.m.

Commissioner Steve Reynolds moved to extend the Executive Session for the purpose of discussing legal and non-elected personal issues, and to reconvene the regularly scheduled meeting in the City Commission room at 10:20 p.m.

Commissioner Linda Clark seconded the motion.

Motion carried 4-0. (Commissioner Steve Pershall remained in the conference room).

Mayor Tom McKibban reconvened the meeting at 10:20 p.m.

City Manager Herb Llewellyn asked if the City Commission supported funding as stated in the letter received from the City of Yates Center.

Consensus of the City Commission was to support the funding.

ADJOURNMENT

Commissioner Steve Pershall moved to adjourn the meeting at 10:20 p.m.

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

City Clerk Kendra Porter

Mayor Tom McKibban