

EL DORADO CITY COMMISSION MEETING

MARCH 6, 2006

The El Dorado City Commission met in regular session on March 6, 2006, at 7:30 p.m. in the Commission Room with the following present: Mayor Brian D. Shepherd, Commissioner Michael A. Fagg, Commissioner Linda Clark, Commissioner Steve Pershall, Commissioner Steve Reynolds, City Manager Herbert E. Llewellyn Jr., City Attorney Michael Coash, Finance Director Dee Anne Grunder, and Engineer Aide Scott Rickard. Absent: City Clerk Kendra Waite.

VISITORS

Kathryn Hollingsworth	El Dorado Times	El Dorado, Kansas
Sam McVay	141 N. Emporia	El Dorado, Kansas
Tom Murry	1650 Jason Dr.	El Dorado, Kansas
Lonnie Currier	1750 Ryan Ct.	El Dorado, Kansas
Roger Johnson	724 N. Washington	El Dorado, Kansas
Derek Barth	805 Sunset Ln.	El Dorado, Kansas
Geri Hamilton	2220 Gentry Ln.	El Dorado, Kansas
Gary Ball	817 W. Fourth	El Dorado, Kansas
Harold Haskell	122 Residence	El Dorado, Kansas
Pat Hicks	1147 S. Arthur	El Dorado, Kansas
James Cook	719 Fredrick Dr.	El Dorado, Kansas
Larry Adams	1756 W. Third	El Dorado, Kansas
Reta Blackwell	400 Frazier	El Dorado, Kansas
Mable M. Pratt	521 Sharpville Rd.	El Dorado, Kansas
Mercedes Hulse	315 W. Pine	El Dorado, Kansas
Billie & Ralph Lourie	2025 Chelsea	El Dorado, Kansas
Don Taylor	2950 W. Fourth	El Dorado, Kansas
Chet & Mary McCoy	336 Simpson Rd.	El Dorado, Kansas
Chris Jolly	2100 Pico Ct.	El Dorado, Kansas
Leca Weber	Shoppers Guide	El Dorado, Kansas
Jim Schmidt	Butler County Emergency Management	

CALL TO ORDER

Mayor Brian D. Shepherd called the March 6, 2006, City Commission meeting to order.

INVOCATION

Reverend Sam McVay, New Life Fellowship, opened the meeting with prayer.

PLEDGE OF ALLEGIANCE

Ms. Nancy Thoma’s Third Grade Class from Lincoln Elementary School led the Pledge of Allegiance.

PERSONAL APPEARANCE

City Manager Herbert Llewellyn presented to Finance Director Dee Anne Grunder the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting. Mr. Llewellyn stated that this is the twenty-eighth year the City of El Dorado has received this award.

CITIZEN OF THE MONTH

Leca Weber, representing the El Dorado Times and the Shoppers Guide, presented Ralph Lourie with the Citizen of the Month Award for trimming and pulling weeds along the side of the El Dorado Times building and for all the volunteer work Mr. Lourie does for the community.

PROCLAMATIONS

Jim Schmidt, Butler County Emergency Management, explained the importance of severe weather awareness with Spring approaching.

Mayor Brian Shepherd read a proclamation to proclaim the week of March 13, 2006, through March 17, 2006, as Severe Weather Awareness Week.

CONSENT AGENDA

- a) Approval of the February 20, 2006, City Commission minutes.
- b) Approval of the February 22, 2006, Special City Commission minutes.
- c) Approval of the February 28, 2006, Special City Commission minutes.
- d) Approval of the February 28, 2006, Work Session minutes.
- e) Approval of Appropriation Ordinance No. 02-06 in the amount of \$1,632,462.96.
- f) Approval of the Engineer's Second Pay Estimate dated February 24, 2006 on Project No. 276, Sanitary Sewer Cleaning and Inspection-Sewer Flow into Eight Avenue Lift Station to the Contractor, Mayer Specialty Services, LLC, in the amount of \$38,438.59.
- g) Approval of the Engineer's First Pay Estimate dated February 24, 2006 on Project No. 947, Pedestrian/Bicycle Facilities to the Contractor, Cornejo & Sons, in the amount of \$62,184.17.

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

Commissioner Pershall seconded the motion.

Motion carried 5-0.

DISASTER PREPAREDNESS

Mayor Brian Shepherd stated in order to be eligible for federal funding, the City must adopt the National Incident Management System (NIMS) as its method of disaster preparedness. This system provides a consistent nationwide approach for all levels of government to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity.

City Manager Herbert Llewellyn stated that the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the City's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes.

Mr. Llewellyn further stated that the City needs to adopt the program to avoid jeopardizing any federal funding, since the deadline to adopt the National Incident Management System was September 30, 2005. Additionally anyone who supervises other employees must have sixteen hours of NIMS training.

RESOLUTION NO. 2534

Commissioner Clark moved that Resolution No. 2534, a resolution designating the National Incident Management System as the basis for all incident management in the City of El Dorado, Kansas, be approved.

Commissioner Pershall seconded the motion.

Motion carried 5-0.

INSURANCE BIDS

Finance Director Dee Anne Grunder stated that requests for proposals for the City's property/casualty insurance coverage (Workers Compensation, Property, General Liability, Business Auto, and other miscellaneous policies) were mailed to three insurance agencies, and a notice was placed in the El Dorado Times. Proposals were due February 28, 2006, and one bid was received. This bid is from the current insurance broker, Insurance Center, Inc.

Commissioner Steve Pershall questioned the reason for the increase in the General Liability premium.

Tom Murry, 1650 Jason Drive, Insurance Center, Inc., stated that the increase was primarily due to outstanding claims.

Commissioner Clark moved to approve the best bid submitted by Insurance Center, Inc. for a three-year period.

Commissioner Pershall seconded the motion.

Commissioner Michael Fagg suggested approving the insurance coverage for one year versus three years.

Mayor Brian Shepherd stated that a one-year policy would allow other companies more time to prepare a bid.

Tom Murry stated his bid was based on a three-year period as stated in the City's request for proposal.

Motion carried 3-2 (Commissioner Fagg and Mayor Shepherd opposed).

2006 RESIDENTIAL SIDEWALK REPLACEMENT PROGRAM – PROJECT NO. 281

Mayor Brian Shepherd stated that the City has received a petition to improve residential sidewalks under the current sidewalk policy. The proposed bid date is March 16, 2006, and this Commission will consider the bids at the March 20, 2006 meeting.

Project No. 281 – 619 West Third, 401 Frazier, 1218 West Towanda, 520 West Fourth, 522 West Fourth, and 143 North Star

Engineer Aide Scott Rickard stated that the property owners have signed a petition to improve their sidewalks under the current sidewalk policy.

RECEIVING THE PETITION

City Clerk Kendra Waite reported to the Commission that the petition for the construction project, signed by owners of 100% percent of the total number of lots in the improvement district, is sufficient for Project No. 281.

RESOLUTION NO. 2535 - ACCEPTING THE PETITION AND RESOLUTION OF ADVISABILITY/RESOLUTION AUTHORIZING IMPROVEMENT COMBINED

Commissioner Pershall moved that the Report of Sufficiency be accepted for Project No. 281, 2006 Residential Sidewalks, and that Resolution No. 2535, a resolution of Finding as to Advisability and Resolution Authorizing Improvement combined, be considered, and that Ordinance No. S-1262, an ordinance authorizing the issuance of bonds of the City of El Dorado, Kansas, in an amount not to exceed \$10,000.00 in payment of the cost of Project No. 281, and providing for the issuance of temporary notes pending the issuance of such bond, be approved, and that the City Manager advertise and take bids at this time for Project No. 281.

Commissioner Reynolds seconded the motion.

ROLL CALL

Position No. 1	Commissioner Steve Reynolds	Yes
Position No. 2	Commissioner Linda Clark	Yes
Position No. 3	Commissioner Steve Pershall	Yes
Position No. 4	Commissioner Michael Fagg	Yes
	Mayor Brian Shepherd	Yes

PUBLIC HEARING FOR PROJECT NOS. 213 AND 236

Mayor Brian Shepherd stated that Project Nos. 213 and 236 are complete. The City Commission established this date to spread the special assessments for the following properties:

Project No 213 – Paving McCollum Road (Main to Country Club Road)

Preliminary Estimate	\$895,000.00
Final Cost	\$833,494.11
Improvement District Cost	\$253,744.14
City-at-Large Cost	\$579,749.97

Project No. 236– Paving 100 Block West Pine & 100 Block South Gordy

Preliminary Estimate	\$47,000.00
Final Cost	\$27,300.30
Improvement District Cost	\$ 7,724.93
City-at-Large Cost	\$19,575.37

PUBLIC HEARING

Mayor Brian Shepherd opened the public hearing.

Geri Hamilton, 2220 Gentry Lane, stated that she does not feel her assessment is fair and equitable. She stated that when it rains her backyard floods, and she would like to meet with someone in the City’s Engineering Department to discuss the drainage problems.

Mayor Shepherd closed the public hearing.

ORDINANCE NOS. S-1263 AND S-1265

Commissioner Clark moved that Ordinance Nos. S-1263 and S-1265, ordinances levying against and providing for the collection of special assessments for Project Nos. 213 and 236, respectively, be adopted.

Commissioner Fagg seconded the motion.

ROLL CALL

Position No. 1	Commissioner Steve Reynolds	Yes
Position No. 2	Commissioner Linda Clark	Yes
Position No. 3	Commissioner Steve Pershall	Yes
Position No. 4	Commissioner Michael Fagg	Yes
	Mayor Brian Shepherd	Yes

2006 SALES TAX STREET PROGRAM – PROJECT NO. 277 – PAVING VINE STREET (CENTRAL TO LOCUST) AND LOCUST (MAIN TO VINE)

Mayor Shepherd stated that the City Commission directed that bids be taken on Project No. 277. Bids were received and the low bid was below the Engineer’s Estimate.

Mayor Shepherd spread the bids on the record as follows:

Engineer’s Estimate	\$ 124,988.69
APAC Kansas	\$ 110,472.77
Cornejo & Sons	\$ 122,091.46
La Farge	\$ 175,293.54

Commissioner Fagg moved that as APAC Kansas has submitted the lowest and best bid for Project No. 277, and since their combined bid of \$110,472.77 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 Pershall seconded the motion.

Motion carried 5-0.

2006 SALES TAX – PROJECT NO. 274 – REPAVING ELLET (CLARK TO PARK), SHELDON AND SUMMIT AND EMPORIA (FINNEY TO TOWANDA), HIGH (PARK TO TOWANDA), TOPEKA (FINNEY TO PARK), FORD (CLARK TO FINNEY), CLARK (SHELDON TO HIGH), FINNEY (SHELDON TO HIGH), PARK (DOUGLAS TO EMPORIA), AND BENTON (TOPEKA TO ATCHISON)

Mayor Brian Shepherd stated that the City Commission directed that bids be taken on Project No. 274. Bids were received and the low bid was greater than the Engineer’s Estimate. The Engineer’s Estimate and the bids received were greater than the project’s authorized amount.

Engineer Aide Scott Rickard stated that on December 5, 2005, the City Commission authorized Resolution No. 2524. The amount authorized by the resolution was \$400,000.00. After that resolution was approved, staff discovered a material quantity error. Staff revised quantity costs after the discovery and increased the Engineer’s Estimate \$49,191.76 based on 2005 prices. Unfortunately, prices have increased again for this summer, and the project cost came in at \$477,575.21. Mr. Rickard recommended moving forward with the project by authorizing additional funding.

Mayor Shepherd spread the bids on the record as follows:

Engineer’s Estimate (revised for bid opening)	\$ 362,533.85
Engineer’s Estimate (public hearing in November)	\$ 311,817.86
APAC Kansas	\$ 383,496.70
Cornejo & Sons	\$ 442,990.63
LaFarge	\$ 452,294.92

RESOLUTION NO. 2536 - REVISING THE RESOLUTION OF ADVISABILITY/RESOLUTION AUTHORIZING IMPROVEMENT AND AUTHORIZING THE FUNDING

Commissioner Clark moved to adopt Resolution No. 2536 , a resolution amending Resolution No. 2524, and Authorizing the Improvement of Project No. 274, be adopted, and move that Ordinance No. S-1264, an ordinance amending Ordinance No. S-1251, an ordinance authorizing the issuance of bonds in the amount not to exceed \$477,575 in payment of the cost of said project, and providing for the issuance of temporary notes pending the issuance of such bond, be approved.

Commissioner Reynolds seconded the motion.

ROLL CALL

Position No. 1	Commissioner Steve Reynolds	Yes
Position No. 2	Commissioner Linda Clark	Yes
Position No. 3	Commissioner Steve Pershall	Yes
Position No. 4	Commissioner Michael Fagg	Yes
	Mayor Brian Shepherd	Yes

BOARD APPOINTMENTS

Mayor Brian Shepherd stated that the City Commission appoints members to various advisory boards. Mr. Steve Reynolds resigned his position on the Planning Commission after he was appointed to the City Commission. A new member needs to be appointed to the Planning Commission either to fill his unexpired term or to complete this unexpired term (1 month) and to continue on until the next term is complete (April 1, 2009). Mr. Tom Whiteman has also asked to be removed from this board due to health reasons, and a resignation letter is forthcoming. His term also expires March 31, 2006.

PLANNING COMMISSION

Commissioner Pershall moved to appoint Laddy Hernandez and Derek Barth to the Planning Commission for a term to expire April 1, 2009.

Commissioner Fagg seconded the motion.

Motion carried 5-0.

PUBLIC COMMENTS

Mayor Brian Shepherd opened the floor for public comments.

Don Taylor, 2950 West Fourth, stated that he attended the Airport Advisory Board meeting and does not feel that the taxpayers are represented at the airport.

Chris Jolly, 2100 Pico Court, stated that a 4 x 6 drainage box is on his property rather than in the easement and would like the Engineering Department to inspect the easement.

Larry Adams, 1756 West Third, stated that he agrees with Mr. Taylor's statements regarding the Airport Advisory Board meeting.

Mayor Shepherd closed the public comments session.

COMMISSION COMMENTS

Commissioner Linda Clark stated that she wanted to welcome the new City Manager, Herbert Llewellyn.

Commissioner Steve Pershall welcomed Steve Reynolds to the City Commission and City Manager Herbert Llewellyn, stating that he is looking forward to working with both of them.

Commissioner Steve Reynolds stated that he appreciated the tour of the City's buildings and grounds and the opportunity to meet with the Department Heads and the operational staff members.

CITY MANAGER'S REPORT

City Manager Herbert Llewellyn stated that the last few days have been very busy, and he feels that El Dorado has many citizens with passion and values.

ADJOURNMENT

Commissioner Fagg moved to adjourn the meeting at 9:36 p.m.

Commissioner Pershall seconded the motion.

Motion carried 5-0.

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City Clerk Kendra Waite

Mayor Brian D. Shepherd