

EL DORADO CITY COMMISSION MEETING

MARCH 20, 2006

The El Dorado City Commission met in regular session on March 20, 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, City Clerk Kendra Waite, and Engineer Aide Scott Rickard.

VISITORS

Darrin Devinney	Butler Co. Attorney’s Office	El Dorado, Kansas
Jim Poffinbarger	9796 S.W. 40 th	Towanda, Kansas
Pat Hicks	1147 S. Arthur	El Dorado, Kansas
James Cook	719 Fredrick Dr.	El Dorado, Kansas
Don Taylor	2950 W. 4 th Ave.	El Dorado, Kansas
Leonard & Nellie Smith	601 N. High	El Dorado, Kansas
Mable M. Pratt	521 Sharpville Rd.	El Dorado, Kansas
Chet McCoy	336 Simpson Rd.	El Dorado, Kansas
Gerald Watson	125 N. Summit	El Dorado, Kansas
Kathryn Hollingsworth	El Dorado Times	El Dorado, Kansas
Richard Edds	1815 Quail Run	El Dorado, Kansas
David Yearout	1710 Post Ct.	El Dorado, Kansas
Jan Satterfield	1815 Megan Ct.	El Dorado, Kansas

CALL TO ORDER

Mayor Brian D. Shepherd called the March 20, 2006, City Commission meeting to order.

INVOCATION

Reverend Richard Edds, First Southern Baptist Church, opened the meeting with prayer.

PLEDGE OF ALLEGIANCE

Mayor Brian Shepherd led the Pledge of Allegiance.

CONSENT AGENDA

- a) Approval of the March 6, 2006, City Commission minutes.

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

Commissioner Clark seconded the motion.

Motion carried 5-0.

SUNLIGHT CHILD ADVOCACY AND RIGHTS FOUNDATION

Jan Satterfield, 1815 Megan Circle, Sunlight Child Advocacy and Rights Foundation, presented a video with information regarding a child advocacy center. Ms. Satterfield asked the City of El Dorado for a five-year commitment of \$1500 per year to help with funding for the Sunlight Child Advocacy Center.

SPECIAL USE PERMIT TO EXEMPT THE FRONT YARD FENCING REQUIREMENTS AT A PROPERTY IN THE 100 BLOCK OF NORTH TAYLOR IN THE R-1, RESIDENTIAL – LOW DENSITY DISTRICT (CASE NO. 06-001-SUP)

Interim Planning and Zoning Director David Yearout stated that Susan B. Allen Memorial Hospital has requested a Special Use Permit to exempt the property they have acquired in the 100 block of North Taylor from the restrictions and limitations for fencing. The properties in this block have been purchased, the houses removed, the lots cleared and seeded to grass, and now the desire is to construct a 6-foot chain link fence surrounding a future playground area for the Middle School. Once these improvements are completed, the land transfer to the School District will be complete.

Mr. Yearout stated that at the March 2, 2006, Planning Commission meeting, after review of the facts in the case and the information submitted at the public hearing, the Planning Commission approved the Special Use Permit for the exemption of the fencing requirements as proposed by a vote of 6 to 0.

RESOLUTION NO. 2537

Commissioner Fagg moved that the recommendation of the Planning Commission to approve Case No. 06-001-SUP requesting a Special Use Permit to exempt from the fencing requirements on certain property in the 100 block of North Taylor be accepted, and that Resolution No. 2537 be approved.

Commissioner Reynolds seconded the motion.

Motion carried 5-0.

FINAL PLAT OF THE BENCOR ADDITION AT THE SOUTHWEST CORNER OF MAIN STREET AND SIXTH AVENUE, ZONED C-1 – GENERAL BUSINESS (CASE NO. 06-001-FINAL PLAT)

Interim Planning and Zoning Director David Yearout stated that Capstone Investment Group, LLC, is seeking approval of the final plat of Bencor Addition. The property is at the southwest corner of Sixth and Main and encompasses the land presently owned by William Counterman, Kenneth Cross, Bob Lane, Charles Provo and MLJ Limited Partnership. All the property in question is under contract for purchase by Capstone Investment Group, LLC, and the authorization to pursue platting is granted in the contracts. The land sales will close and ownership transfer prior to recording of the plat, which is a condition of final plat approval. The purpose of the plat is to resolve all issues concerned with making the property available for redevelopment. The proposed use will be for a new Walgreens Drug Store.

Mr. Yearout further stated that in addition to the dedications of additional right-of-way along Main Street and the declarations of easements shown on the face of the plat, two easements are required as part of the approval of this plat. One is a utility easement on the property to the south owned by MLJ Limited Partnership that will run from Gordy Street east to the property owned by Eddie Dean. This is for the installation of new electric service lines. The other is a temporary utility easement covering the area of an existing easement that runs through the proposed lot where the former alley used to be. This area is presently occupied by a sanitary sewer line and other utilities, and the easement will be vacated by this plat. The purpose of the temporary easement is to protect those public utilities until the demolition is completed and other services installed. Both easements will be by separate instrument, and the temporary easement will become void once the new utility services are installed and accepted by the appropriate responsible entities.

Mr. Yearout stated that at the March 2, 2006, Planning Commission meeting after review of the facts in the case and hearing the testimony given by all the public present, the Planning Commission approved the Final Plat of the Bencor Addition by a vote of 6 to 0.

Commissioner Steve Pershall stated some concerns regarding the traffic and parking.

Mr. Yearout stated that this will be the smallest Walgreens the company has built, and all requirements, including parking, have been met and should accommodate future Sixth Avenue modifications.

Commissioner Michael Fagg questioned the drainage problems at Sixth Avenue and Main Street.

Mr. Yearout stated that the developers are aware of the drainage problems, and the redevelopment will not cause any additional drainage problems.

Commissioner Clark moved that the final plat of the Bencor Addition located at the southwest corner of Sixth Avenue and Main Street, Case No. 06-001-Final Plat, be approved and that the Mayor be authorized to sign the final plat on behalf of the City of El Dorado, Kansas; and that the City accept the dedication of a temporary utility easement within said plat by separate instrument and accept the dedication of a utility easement adjacent to said plat by separate instrument and the Mayor be authorized to sign said instruments on behalf of the City of El Dorado, Kansas, if necessary.

Commissioner Pershall seconded the motion.

Motion carried 5-0.

PROJECT NO. 275 – SANITARY SEWER TO SERVE LOT 3, EL DORADO PLAZA ADDITION

Mayor Brian Shepherd stated that the City Commission directed that bids be taken on this project. Bids were received and the low bid was below the Engineer’s Estimate.

RECEIVING THE BIDS

Mayor Shepherd spread the bids for the record.

Engineer’s Estimate	\$40,431.10
Alan’s Excavating	\$38,051.60
Mies Construction	\$51,519.00
Nowak Construction	\$69,497.40

AWARDING THE CONTRACT

Commissioner Pershall moved that as Alan’s Excavating has submitted the lowest and best bid for Project No. 275, and since their bid of \$38,051.60 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 5-0.

GRANT RIGHT-OF-WAY TO KANSAS GAS SERVICE

Engineer Aide Scott Rickard stated that Kansas Gas Service is requesting Right of Way and Easement to install, operate and maintain a 6-inch plastic pipeline located in Blocks 21 and 24 of Riverside Addition (North Main Park). Following the pipeline installation, Kansas Gas Service will have a surveyor prepare an “as built” legal description and exhibit of the pipeline route.

Mayor Brian Shepherd questioned the need for Kansas Gas Service to relocate their gas line.

Engineer Aide Rickard stated that this is due to the widening of Eighth Street.

Commissioner Clark moved to approve and authorize the Mayor to execute the Grant of Right-of-Way in Blocks 21 and 24 of Riverside Addition.

Commissioner Reynolds seconded the motion.

Motion carried 5-0.

NUISANCE ABATEMENT ORDINANCE

City Attorney Michael Coash stated that the Municipal Code provides for the protection of health, safety and welfare of the community’s citizens through nuisance abatement procedures. Mr. Coash further stated that this ordinance brings the City into conformance with State statute.

Mr. Llewellyn and Mr. Coash responded to several questions from Commissioners regarding the ordinance.

ORDINANCE NO. G-979

Commissioner Pershall moved to approve Ordinance No. G-979, an ordinance revising the nuisance abatement procedure.

Commissioner Clark 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	No
	Mayor Brian Shepherd	Yes

HOME GRANT – AWARD CONTRACT

Mayor Brian Shepherd stated that El Dorado’s HOME Housing Grant Code of Conduct in the Procurement of Goods and Services states that any City employee who performs any function with respect to the grant cannot have any direct interest in a contract or subcontract related to the grant for one year after termination of employment. This wording was prepared by the City and is not required under the grant.

Mayor Shepherd stated the City has received four bids for repairs on a home under the grant. The low-bidder, Acklin Construction, has a sub-contractor who was employed by the City until January 2006. The bid by Acklin Construction is \$28,482, and the next lowest bid is \$35,820 by Windows for America. The grant administrator, SCKEDD, is seeking the City's direction on whether to move forward with the low-bidder. If the City instead authorizes the Windows for America bid, the increase must be paid from the local funds.

Commissioner Pershall moved to table this discussion for two weeks for additional information regarding this agenda item.

Commissioner Reynolds seconded the motion.

Motion carried 4-1. (Commissioner Clark opposed)

INDUSTRIAL PARK III – LAND SALE

Mayor Brian Shepherd stated that a current property owner in Industrial Park III purchased a small parcel, 83 foot by 100 foot, in August 2005. The property owner is requesting to purchase another parcel adjoining his land.

Linda Jolly, 2100 Pico Court, stated that she was informed that J and J Rental may not want to purchase the entire lot due to oil lease problems. Ms. Jolly further stated that the Industrial Park should be platted.

Commissioner Reynolds moved to table this agenda item.

Commissioner Fagg seconded the motion.

Motion carried 5-0.

BOARD APPOINTMENTS

Mayor Brian Shepherd stated that the City Commission appoints members to various advisory boards. Mayor Shepherd stated that various applications have been received for the Commission's consideration.

Commissioner Michael Fagg requested that future advisory board openings be posted on Channel 7 to inform the public.

There was discussion amongst the Commissioners regarding the applicants.

AIRPORT ADVISORY BOARD - No Term Limits (3-year term)

Commissioner Clark moved to reappoint Dave Chapin to the Airport Advisory Board for a term to expire April 1, 2009.

Commissioner Pershall seconded the motion.

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

PLANNING COMMISSION

Commissioner Reynolds moved to reappoint Red Acklin to the Planning Commission for a term to expire April 1, 2009.

Commissioner Clark seconded the motion.

Motion carried 5-0.

TREE BOARD – No Term Limits (3-year term)

Commissioner Clark moved to reappoint Kim Matthews to the Tree Board for a term to expire April 1, 2009.

Commissioner Reynolds seconded the motion.

Motion carried 5-0.

PUBLIC COMMENTS

Mayor Brian Shepherd opened the floor for public comments.

Pat Hicks, 1147 South Arthur, stated that in the future she would like to see the advisory board openings posted on Channel 7 and also in the El Dorado Times to inform the public of the available positions.

Mayor Shepherd closed the public comments session.

COMMISSION COMMENTS

Commissioner Steve Pershall thanked the City staff and volunteers involved in fighting the recent grass fire.

Commissioner Michael Fagg stated that the grass along Boyer Road needs to be mowed. He also had a request from a citizen for the City to change the speed zone near the swimming pool. Mr. Fagg requested City Manager Llewellyn research repairing the roof on a building behind MacDonald Stadium.

Mayor Brian Shepherd expressed his condolences to the Tom Whitman family.

CITY MANAGER'S REPORT

City Manager Herbert Llewellyn noted the following:

1. Discussed options on holding a retreat for the Commissioners.
2. The Ninth Street bridge is in need of repairs, and asked for direction from the Commission. The consensus of the Commission was to direct the City Manager to obtain costs related to repairing the bridge versus dismantling the bridge due to being an unsafe structure.
3. Trash bags will be delivered March 22nd and March 29th.
4. Received a notice indicating a rate increase from Cox Cable.
5. Discussed moving the lake debt investments to another company.
6. Provided the Commission with a pie chart reflecting all City net expenses.

EXECUTIVE SESSION

Mayor Brian Shepherd stated that the Executive Session is related to legal issues and an economic development prospect.

Commissioner Fagg moved to recess into an Executive Session for the purpose of discussing legal issues and confidential data relating to the financial affairs or trade secrets of a corporation and to reconvene the regularly scheduled meeting in the City Commission room at 12:00 a.m.

Commissioner Reynolds seconded the motion.

Motion carried 5-0.

Mayor Shepherd reconvened the meeting at 12:00 a.m.

ADJOURNMENT

Commissioner Fagg moved to adjourn the meeting at 12:00 a.m.

Commissioner Pershall seconded the motion.

Motion carried 5-0.

City Clerk Kendra Waite

Mayor Brian D. Shepherd

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