The El Dorado City Commission met in regular session on April 5, 1999 at 7:30 p.m. with the following present: Mayor Edward L. Blake, Commissioner Larry Dale Crawford, Commissioner Betty J. Kirkpatrick, Commissioner Connie Phillips, Commissioner Don Storrer, City Manager Stan Stewart, Director of Administration Gus Collins, City Engineer Bruce Remsberg, City Clerk Dee Anne Grunder, and City Attorney Mike Coash.

PROCLAMATION

MASTER TEACHER OF THE YEAR – Phil Theis – BCCC Instructor

Mr. Phil Theis, 522 W. Ash, appeared to thank the Governing Body for selecting him for this recognition. Mayor Blake then read the proclamation that declares Phil Theis as a "Distinguished Citizen" of the city of El Dorado.

PERSONAL APPEARANCE

PRESENTATION OF KANSAS RECYCLERS ASSOCIATION OUTSTANDING PUBLIC SERVICE AWARD TO CITY OF EL DORADO - Don Larson, Director of Public Works

Director of Public Works Don Larson appeared before the Governing Body on behalf of the Kansas Recyclers Association, City staff, and the City's Advisory Committee to present the Kansas Recyclers Association Outstanding Public Service Award to Mayor Blake for the City of El Dorado.

Dr. Greg Joyce, 1005 Rim Rock Road, Chairperson of the Recycling Committee, thanked the Governing Body and the City for their support with this program. He noted that the recycling program is generating approximately 600 tons of material. Dr. Joyce then provided a brief update of the recent activities of the Recycling Committee and the Recycling Program.

MAIN STREET PROGRAM

El Dorado Main Street Manager Karen Kenney appeared before the Governing Body to provide an update of the activities of Main Street since September, 1998. Ms. Kenney stated that as a Main Street city, technical assistance, financial assistance, and the Hyett Palma report are provided as follows:

Technical – The Main Street Directors have provided training to all the committee members, board members and Ms. Kenney on the Main Street guidelines. Committees were then requested to provide work plans for their projects and given to the Board of Directors to approve, disapprove and/or cut costs.

Hyettpalma Report – This report was finished in November with a public presentation in December. Copies are available.

Financial – El Dorado Main Street received $15,000 from the Kansas Main Street program to provide to business downtown for physical improvements. This money is loaned to businesses that apply and meet the Main Street guidelines at a 2% interest rate. Once this money is paid back, other businesses may apply. El Dorado Main Street received $6,000 that will be offered as a grant (because of their non-profit status) to the Coutts Museum for façade renovation of the Bluestem Art Gallery, formerly Ponds Jewelry.

PHYSICAL IMPROVEMENTS AND DESIGN PROJECTS

Streetscape – The Streetscape project was completed the fall of 1998. The project went smoothly and without any major complications. The Artscape committee is looking for sculpture donors for the eight limestone sculpture bases.

Sculpture Plaza – The Sculpture Plaza was added to the Streetscape KDOT grant and it is nearing completion. The dedication has been set for May 6, 1999, 5:00 p.m. to 7:00 p.m.

Adopt A Spot – This has been such a good program for the city that it is continuing citywide.

Welcome Signs – The south entrance and west entrance have not been completed.

Old Benches – There are nine benches remaining to be sold.

Building Permits – Main Street Chairman Billee Douglass is preparing Main Street guidelines to be provided to all downtown building owners. Main Street officials request that the downtown area have a unified look while preserving the historic buildings. El Dorado Main Street plans to be a part of the building permit application process so the downtown businesses would follow the guidelines.

Façade Program – The $250.00 matching for the façade program will continue.

KIOSK – One final project for 1999 is to construct the kiosk for the Sunshine Court.

ECONOMIC REPORT – 7/98 to Present

Façade Renovations – six projects totaling $100,000

Other Building Rehabs and New Construction – eleven project totaling $935,000.

Public Improvements - $ 1.4 million Streetscape
$ 45,000 Sculpture Plaza ($39,000 donated)

New Businesses – Nine

Business Relocation or Expansion DT – eight

Businesses lost – six

ARTSCAPE

Brownbag – The Brown Bag Lunch series at Coutts Museum has continued. Approximately 50 – 60 are in attendance.

Sculpture Plaza – In the process of looking for another sculpture for the alley.

PROMOTIONS

Christmas – The Charity Wreath Promotion was successful and brought in $5,250 to be given to charities from the wreath auction. Plans are to continue this at Christmas.

Downtown Directory – A business directory of the downtown area is in the process of being prepared.

Marketing – An image campaign is in the process: "Downtown El Dorado, a good place to grow your business, a good place to grow your family."

Walnut River Festival – Sponsor of the kafirkorn (Milo) art competition

Storyteller – Continuation of the Charles Heilmann storytelling which won a Governors award at the Kansas Main Street convention.

OTHER ITEMS

Meetings – Three representatives from El Dorado attended the National Main Street conference in San Diego. They will be providing monthly reports at every board meeting throughout the year.

Public Relations – A business column is published in the Saturday, El Dorado Times every week.

Web – The web page is online.

Health Club – The board wants to make a firm stand about the health club being located in the downtown area. Sessions at the National Main Street conference indicated that in order to a successful civic center downtown, a health club and hotel should also be located downtown.

New Museum – Becky matticks has been preparing a grant proposal for a Butler County Hall of Fame. The Board has discussed this and believes this would be a great museum for El Dorado. El Dorado Main Street requested the Governing Body's support to continues to search for funding for this project.

Relocation – El Dorado Main Street moved their office to the Depot building. Ms. Kenney thanked the Governing Body for this opportunity and noted that many people have commented that they are glad to see such a beautiful restored building.

The Mayor and Governing Body thanked Ms. Kenney for her presentation.

CONSENT AGENDA

A. Approval of the March 15, 1999 City Commission Minutes.

B. Approval of the March 30, 1999 Work Session Minutes.

C. Approval of Appropriation Ordinance No. 99-03 in the amount of $869,552.27.

Commissioner Storrer moved the Consent Agenda, as presented, be approved.

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

WATER TREATMENT PLANT – RISK MANAGEMENT PLAN - ACCIDENTAL RELEASE PREVENTION RULE

Mayor Blake stated that the Environmental Protection Agency has issued a directive mandate for water treatment plants. This specific requirement is the implementation of a Risk Management Plan in conjunction with the Accidental Release Prevention Rule as required by the EPA Clean Air Act. A consultant is necessary to assist City Staff in preparing and completing this plan. The proposed motion authorizes the City Manager to enter into an agreement with the consulting firm to assist in the process of preparing the plan.

Commissioner _____ moved to authorize the City Manager to enter into an agreement with Black and Veatch, consulting engineers, for the preparation of a Risk Management Plan in conjunction with the Accidental Release Prevention Rule.

Commissioner _____ seconded the motion.

UNLOCKING CAR DOORS – POLICY DISCUSSION

Mayor Blake stated that the City Police Department has unlocked vehicles, at no charge, for many years. A member of the business community, Mr. Dennis Cooke, requested that the City Commission review the policy of unlocking private vehicles. The proposed motion provides for either continuing or discontinuing the procedure in place.

City Manager Stewart noted that the Police Department has provided this service for approximately twelve years. The proposed policy would allow the Police Department to unlock car doors only in the case of an emergency, such as a child locked in a vehicle.

Commissioner Kirkpatrick noted that she believes animals locked in vehicles should be included as well as children in emergency situations. She also noted that she had always been a big supporter of the Police Department opening car doors. But, with car door locks the way they are now, she expressed her concern that the City could be liable for doing more damage than the good will the City would be providing.

Chief of Police John Wright stated that he has mixed feelings regarding this issue. He believes that the Police Department unlocking car doors goes along with the community policing. He expressed concern that the City could be taking business away from a locksmith. Chief Wright also noted that he is concerned about causing damage to not only the car door locks but also the side air bags, thus resulting in the City's liability situation. Chief Wright then recommended the City discontinue this policy.

Commissioner Crawford expressed his concern with discontinuing this policy since it is a goodwill gesture. He noted that the City's liability situation and the fact that there is now only a 24% success rate makes him more agreeable to discontinuing the policy.

Chief Wright stated that the new policy will require 20 minute response time before the Police Department responds.

Commissioner Crawford moved to discontinue the policy of unlocking car doors for the general public as was approved in July, 1987.

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

ORDINANCE NO. G-853 - ADOPTION OF 1997 BUILDING CODE

The proposed motion approves the 1997 building code an update from the 1991 code.

City Building Inspector Robert Mendoza stated that the City is currently under the 1991 building code. He further stated that the 1997 building code version is much easier to read and understand.

ORDINANCE NO. G-853

Commissioner Kirkpatrick moved that Ordinance No. G-853, "AN ORDINANCE OF THE CITY OF EL DORADO ADOPTING THE 1997 EDITION OF THE UNIFORM BUILDING CODE, VOLUMES 1,2, AND 3, REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, AND MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE HEIGHT, AREA AND MAINTENANCE OF ALL BUILDINGS OR STRUCTURES IN THE CITY OF EL DORADO PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREOF; PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF, AMENDING ORDINANCE NO. G-770 OF THE CITY OF EL DORADO AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH," be placed upon its passage and considered section by section.

Commissioner Phillips seconded the motion.

ROLL CALL

Mayor Edward L. Blake	yea
Commissioner Larry Dale Crawford	yea
Commissioner Betty J. Kirkpatrick	yea
Commissioner Connie Phillips	yea
Commissioner Don Storrer	yea

ORDINANCE G-854 - ADOPTION OF 1997 FIRE CODE

Mayor Blake stated that the following motion approves the 1997 version of the fire code.

Fire Chief Ralph Green stated that the fire code that the City is currently utilizing is 1988.

ELECTRIC MUNICIPAL AGENCY – RESOLUTION OF INTENT

The Kansas Legislature was amended in 1998 to remove restrictive membership requirements in the creation of a Municipal Energy Agency. A cooperative agency is now in the planning stages. City staff will provide an update on the creation of this agency. If the Commission desires, a resolution is provided for their consideration.

Commissioner _____ moved that Resolution _____ a resolution "AUTHORIZING THE CITY OF EL DORADO TO CREATE A MUNICIPAL ENERGY AGENCY PURSUANT TO KSA 12-885 AT SEC AS AMENDED" be approved.

Commissioner _____ seconded the motion.

CITY OWNED PROPERTY – SOUTH SUMMIT

Future Use

City staff will provide options on the future use of the land located in the _____ block on South Summit. This land has been historically used as the site of a water tower. The water tower will be removed in 1999. The Commission can now proceed with options on future use.

Commissioner _____ moved to utilize the property located in the _____ Block of South Summit as _____
_____
_____
_

Commissioner _____ seconded the motion.

ANIMAL CONTROL ENFORCEMENT –

Animal Bite Incidents

The City Commission has expressed the desire to review certain portions of the City Code regarding the Animal Control Enforcement. The section that the City Commission would like to consider for revision is related to dog bites, and more specifically, the responsibility of the victim in these cases. City Staff will provide an update and additional information. The following ordinance provides for a revision in the section, if the Commission desires.

Commissioner _____ moved that Ordinance G-_____, AN ORDINANCE PROVIDING FOR THE REVISION OF _____ SECTION.

Commissioner _____ seconded the motion.

ROLL CALL

Mayor Edward L. Blake _____
Commissioner Larry Dale Crawford _____
Commissioner Betty J. Kirkpatrick _____
Commissioner Connie Phillips _____
Commissioner Don Storrer _____

PROJECT NO. 867-1998 SALES TAX PROGRAM

The streets involved in this project are Hillside (Eunice to Third); Eunice (Central to Third); Rado (Eunice to Jones) and Dellway (Rado to Jones)

CITY CLERK'S REPORT

City Clerk Dee Anne Grunder reported that a notice of hearing had been published and that the notice of hearing and a statement of the cost proposed to be assessed had been mailed to the owners of property made liable to pay the assessment on Project No. 867 all as provided by Resolution No. 2157.

PUBLIC HEARING

Mayor Edward L. Blake opened the public hearing on Project No. 867.

APPROVE ASSESSMENTS

Commissioner _____ moved that the proposed assessments on Project No. 867 be approved.

Commissioner _____ seconded the motion.

STATEMENT BY CITY ATTORNEY

City Attorney Mike Coash stated that an ordinance levying as special assessments the amount set out against the lands described in the assessment roll as provided Resolution No. 2157 has been prepared and was ready for the City Commission's consideration.

ASSESSMENT ORDINANCE

Commissioner _____ moved that Ordinance No. S-_____, the same being, "AN ORDINANCE APPORTIONING AND ASSESSING THE COST OF CONSTRUCTING CERTAIN PAVING IN THE CITY OF EL DORADO, KANSAS, AS SET FORTH IN PROJECT NO. 867, HEREINAFTER MORE SPECIFICALLY DESCRIBED, AND LEVYING THE ASSESSMENTS AS APPORTIONED AGAINST ALL TAXABLE PROPERTY WITHIN SAID CITY, AND UPON AND AGAINST THE SEVERAL LOTS AND PARCELS OF LAND SUBJECT TO BE TAXED FOR THE PAYMENT OF THE COST OF SUCH IMPROVEMENTS," be placed upon its passage and considered section by section.

Commissioner _____ seconded the motion.

ROLL CALL

Mayor Edward L. Blake _____
Commissioner Larry Dale Crawford _____
Commissioner Betty J. Kirkpatrick _____
Commissioner Connie Phillips _____
Commissioner Don Storrer _____

MAIL ASSESSMENTS

Commissioner _____ moved that the City Clerk be instructed to mail to the owners of property assessed, at their last known Post Office address, a Notice of Assessment and a Statement of Cost, finally determined and assessed against the land so owned and assessed.

Commissioner _____ seconded the motion.

ADJOURNMENT

Commissioner _____ moved the meeting adjourn.

Commissioner _____ seconded the motion.

Respectfully submitted,