

**EL DORADO CITY COMMISSION MEETING**

**April 17, 2006**

The El Dorado City Commission met in regular session on April 17, 2006, at 7:30 p.m. in the Commission Room with the following present: Mayor Brian D. Shepherd, Commissioner Michael A. Fagg, Commissioner Steve Pershall, Commissioner Steve Reynolds, Commissioner Linda Clark, City Manager Herbert E. Llewellyn, Jr., City Attorney Michael Coash, City Clerk Kendra Waite, and Engineer Aide Scott Rickard.

**VISITORS**

Marlene Avery	219 Hillcrest	El Dorado, Kansas
Barbara & John Templin		Leon, Kansas
Kevin Pickrell	704 Maplewood	El Dorado, Kansas
Max Hubbell	205 S. Main	El Dorado, Kansas
Ray Connell	2520 Chase	El Dorado, Kansas
David Yearout	1710 Post Ct.	El Dorado, Kansas
Colin Rowell	1640 Cottonwood	El Dorado, Kansas
Helen Koerner	1816 Hazlett	El Dorado, Kansas
Rachelle Hildreth	1430 Lawndale	El Dorado, Kansas
Craigery Lorenson	514 W. Olive	El Dorado, Kansas
Darrell Whitney	206 Warren	El Dorado, Kansas
William Schmitz		Wichita, Kansas
Mary & Chet McCoy	336 Simpson Rd.	El Dorado, Kansas
Harold Haskell	122 Residence	El Dorado, Kansas
Leonard & Nellie Smith	601 N. High	El Dorado, Kansas
Don Adlesperger	1285 S. Topeka	El Dorado, Kansas
Patrick Light	1134 S. Emporia	El Dorado, Kansas
Gerald Watson	125 N. Summit	El Dorado, Kansas
Cayci Hunt	201 N. Orchard	El Dorado, Kansas
Daxton Bloomquist	2320 Country Club Rd.	El Dorado, Kansas
Mable Pratt	521 Sharpville Rd.	El Dorado, Kansas
Neil Buckman	737 Harvard	El Dorado, Kansas
Jean Plummer	323 ½ N. Main	El Dorado, Kansas
Carl Andrews	1730 Cottonwood Dr.	El Dorado, Kansas
Linda Jolly	2100 Pico Court	El Dorado, Kansas

**CALL TO ORDER**

Mayor Brian D. Shepherd called the April 17, 2006, City Commission meeting to order.

**INVOCATION**

Reverend Bill O’Connell, First Presbyterian Church, opened the meeting with prayer.

**PLEDGE OF ALLEGIANCE**

Ms. Debra Smith’s Third Grade Class from Grandview Elementary School led the Pledge of Allegiance.

**CONSENT AGENDA**

- a) Approval of the April 3, 2006, City Commission minutes.
- b) Approval of the April 10, 2006, City Commission Work Session minutes.

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

Commissioner Pershall seconded the motion.

Motion carried 5-0.

**MUNICIPAL BAND AGREEMENT**

Mayor Brian Shepherd stated that the 2006 budget includes an allocation of \$6,500 to the Municipal Band Association.

Kevin Pickrell, 704 Maplewood, updated the City Commission on the schedule of events for the 2006 season. Concerts will be on Thursday nights at 8:00 p.m. at Forest Park starting June 1, 2006.

Commissioner Pershall moved to approve the 2006 band agreement.

Commissioner Clark seconded the motion.

Motion carried 5-0.

**FINAL PLAT OF THE PRAIRIE LAND FIRST ADDITION AT THE SOUTHWEST CORNER OF THIRD AVENUE AND SCHOOL ROAD. THE PROPERTY IS ZONED R-1 RESIDENTIAL – LOW DENSITY (CASE NO. 06-002-FINAL PLAT)**

Interim Planning/Zoning Director David Yearout stated that Prairie Land Enterprises, Inc. is seeking approval of the final plat of Prairie Land First Addition. The property is at the southwest corner of Third Avenue and School Road and is zoned R-1, Residential – Low Density. This land was included in a preliminary plat that received approval by the Planning Commission in December 2004, and included both the commercial land fronting Central Avenue and Boyer Road and the residential land west of School Road and south of Third Avenue. This plat covers the first 15 lots of what ultimately will be 49 residential lots.

Mr. Yearout stated the Planning Commission and staff identified several issues that were extensively discussed during the review of this plat. As noted in the minutes and staff reports, concerns with setbacks, easements, and lot orientation were all addressed by the Planning Commission and ultimately resolved in the recommended final plat to the Governing Body.

Mr. Yearout stated the applicant originally offered land along Boyer Road south of Third Avenue as park land in the preliminary plat, and after considerable discussion by the Planning Commission that offer was rejected. It was subsequently determined that no land within the plat would be dedicated for park land and that a payment in lieu of dedication would be required. Staff recommended a specific “per lot” amount based on a presumed average new residential lot value. The Planning Commission rejected that recommendation and imposed the provisions of the Subdivision Regulations regarding the methodology for determining the value of such payment.

Mr. Yearout stated that at the March 2, 2006, meeting, the Planning Commission reviewed the proposed final plat and had several questions concerning the plat. The case was continued to the March 30, 2006, meeting at which the Planning Commission approved the Final Plat of the Prairie Land First Addition by a vote of 4 to 1, subject to the imposition of the provisions of the Subdivision Regulations concerning the acceptance by

the Governing Body of an appraisal of the value of the land that would otherwise have been dedicated as park land.

There was discussion regarding mineral rights versus surface owner rights, park land or payments in lieu, and a request by Mr. Ray Connell, attorney for the developer, to provide a standardized procedure for all developers.

Commissioner Reynolds moved that the final plat of the Prairie Land First Addition located at the southwest corner of Third Avenue and School Road, Case No. 06-002-Final Plat, be continued until such time as the Governing Body has received and accepted the report of an appraiser of the value of the land that would be required for dedication as the basis for a payment in lieu of such dedication.

Commissioner Pershall seconded the motion.

Motion carried 4-1, Commissioner Fagg dissenting.

**YMCA – OPTION TO PURCHASE**

Mayor Brian Shepherd stated that in May 2001, the City of El Dorado issued industrial revenue bonds in the amount of \$4,895,000 for the purpose of constructing and equipping the YMCA facility. The bonds mature May 1, 2006. As outlined in the lease agreement between the City and the YMCA that was executed in conjunction with the IRB's, the YMCA has provided notice of intent to exercise its option to purchase the improvements. The City retains ownership of the land.

Mayor Shepherd stated the lease also provides that, concurrently with the conveyance of the improvements, the City and YMCA shall enter into a long-term Ground Lease. The City needs to approve a resolution authorizing execution of the deed for the improvements, the termination of the original lease and the execution of the Ground Lease and other related documents.

Mr. William Schmitz, YMCA representative, was present to answer questions. Discussion ensued regarding the length of the Ground Lease and the wording regarding taxes. The Commission requested modifications to the agreement, to be resolved by the City Manager and the YMCA manager.

**RESOLUTION NO. 2538**

Commissioner Fagg moved that Resolution No. 2538, a resolution authorizing the City of El Dorado to convey title to certain real property improvements; authorizing execution of a special warranty deed and termination and release of the lease; authorizing the execution of all such other documents necessary to convey title to such improvements to the Young Men's Christian Association of Wichita; and authorizing execution of a Ground Lease, be approved, and authorizing the City Manager to negotiate with the YMCA Manager adjustments to the Ground Lease sections related to insurance and subleasing without the Commission's approval.

Commissioner Clark seconded the motion.

Motion carried 5-0.

**CITY COMMISSION MEETING ORDINANCE**

Mayor Brian Shepherd stated that at the April 3, 2006, City Commission meeting and the April 10, 2006, Work Session, discussions were held regarding amending City of

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El Dorado Municipal Code Section 2.04.090, which would change the meeting times and/or dates for the City Commission meetings.

Discussion ensued about changing the City Commission meeting time to 7:00 p.m.

**ORDINANCE NO. G-980**

Commissioner Pershall moved that Ordinance No. G-980, an ordinance amending the City of El Dorado Municipal Code Section 2.04.090 to change the time of the City Commission meetings to 7:00 p.m. on the first and third Mondays each month, be approved.

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 A. Fagg	yes
	Mayor Brian D. Shepherd	yes

**BOARD APPOINTMENTS**

Mayor Brian Shepherd stated that the City Commission appoints members to various advisory boards.

**A. CONVENTION AND VISITORS BUREAU - No Term Limits (2-year term)**

Mayor Shepherd stated that the existing members, Dawn Adams, John Pyle, Darrell Whitney, Neil Buckman and Randy Wells, are eligible for re-appointment and have indicated the desire to continue serving.

Commissioner Fagg moved that Dawn Adams, John Pyle and Randy Wells be re-appointed, and David Adams and Jean Plummer be appointed to the Convention & Visitors Bureau for a two-year term ending May 1, 2008.

Commissioner Pershall seconded the motion.

Motion carried 5-0.

**B. EL DORADO INC. - (follows Commissioner Reynold's term)**

Mayor Shepherd stated that the existing member, Brian Clites, is eligible for re-appointment. This board's appointments follow the Commissioner's term, and Commissioner Reynolds has the option to re-appoint Mr. Clites. Mr. Clites has indicated his desire to be re-appointed.

Commissioner Reynolds moved to re-appoint Brian Clites to El Dorado Inc. for a term to expire April 16, 2007.

Commissioner Clark seconded the motion.

Motion carried 5-0.

**C. LIBRARY BOARD - 2 Consecutive Terms (4-year term)**

Commissioner Pershall moved to re-appoint Joyce DeForest and to appoint Emma Miller to the Library Board for a term to expire May 1, 2010.

Commissioner Clark seconded the motion.

Motion carried 5-0.

**D. MID-KAP BOARD - No Term Limits (2-year term)**

Commissioner Pershall moved to discontinue representation to the Mid-Kap Board by the City of El Dorado.

Commissioner Clark seconded the motion.

Motion carried 5-0.

**E. RECYCLING ADVISORY COMMITTEE - No Term Limits (3-year term)**

Commissioner Clark moved to re-appoint Connie Triana and Jack Perry to the Recycling Advisory Committee for a term to expire May 1, 2009.

Commissioner Pershall seconded the motion.

Motion carried 5-0.

**F. SALES TAX ADVISORY COMMITTEE - No Term Limits (1-year term)**

Commissioner Pershall moved to appoint Chet McCoy and Harold Haskell (Mayor Shepherd), Reed Campbell (Commissioner Pershall), Nellie Smith (Commissioner Fagg), Ladislado Hernandez (Commissioner Reynolds), and Tobey Johnson (Commissioner Clark), to the Sales Tax Advisory Committee for a term ending May 1, 2007.

Commissioner Fagg seconded the motion.

Motion carried 5-0.

**PUBLIC COMMENTS**

Mayor Brian Shepherd opened the floor for public comments.

Linda Jolly, 2100 Pico Court, provided an update on a previous agenda item regarding a local business, J & J Rental. In return for the Right of First Refusal on a certain parcel, J & J Rental would dedicate land for a roadway.

The Commission directed Staff to begin the paperwork.

Ms. Jolly discussed perceptions related to a work session item. She reminded the Commission that positive comments and encouragement for businesses is needed during work sessions. Ms. Jolly updated the Commission on the Holiday Inn Express property and the progress to date.

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Mike Coash, City Attorney, updated the Commission on the oil leases in the Business Park and the rural water district meetings. He is dedicated to resolving any issues still outstanding related to the Holiday Inn Express.

Patrick Light, 1134 S. Emporia, expressed concerns about the fires at the compost site.

City Manager Llewellyn stated that Staff has spread the burning piles so they will burn faster. The compost location is not ideal, and he believes the fires may have been set by an unknown person. Staff is reviewing options to reduce the fires.

Jean Plummer, 323 ½ North Main, complimented the downtown businesses during the Governor’s One-Shot Turkey Hunt.

Mayor Shepherd closed the public comments session.

**COMMISSION COMMENTS**

Commissioner Steve Pershall complimented the Youth Commission for their efforts in picking up trash the previous Friday. This was a special effort from the Youth Commission, as Friday was a day off from school.

Commissioner Michael Fagg commented on the nuisance ordinance recently approved. He stated he had contacted the League of Kansas Municipalities and was informed it is allowable for nuisance complaints to be addressed by the City Manager, then appealed to the City Commission.

Mayor Brian Shepherd stated that Staff should address complaints, and then if problems arise, the City Commission could review the ordinance again at a future meeting. Any unresolved problems could be addressed during the Public Comments section of a City Commission meeting.

Commissioner Steve Reynolds complimented the Youth Commission. He also reminded the public that May 5<sup>th</sup> is the deadline for applying for a position on the Youth Commission.

Commissioner Fagg complimented the City crews for their efforts during the Spring Clean-Up.

**CITY MANAGER’S REPORT**

City Manager Herb Llewellyn suggested requesting that all public utilities use chalk instead of spray paint to mark utility lines. The consensus of the Commission was to pursue this.

**ADJOURNMENT**

Commissioner Pershall moved to adjourn the meeting at 10:00 p.m.

Commissioner Clark seconded the motion.

Motion carried 5-0.

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City Clerk Kendra Waite

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Mayor Brian D. Shepherd