

**EL DORADO CITY COMMISSION MEETING MINUTES**

**April 21, 2003**

The El Dorado City Commission met in regular session on April 21, 2003. The following were present: Mayor Connie Phillips, Commissioner Oral Taylor, Commissioner Brian Shepherd, Commissioner Mike Fagg, City Manager Stan Stewart, Assistant City Manager Gus Collins, City Engineer David Wagner, Interim City Clerk Shaunna Johnson, and City Attorney Mike Coash. Commissioner Linda Clark was absent.

**VISITORS**

Dalton Patterson	1139 State	Augusta, Kansas
Sonja Patterson	1139 State	Augusta, Kansas
Garry Wright	229 N. Washington	El Dorado, Kansas
Janet Ennis	1230 Glenview	El Dorado, Kansas
Dr. Jack Dickson	116 E. Pine	El Dorado, Kansas
Cassie Warren	831 Walnut	El Dorado, Kansas
Will Carpenter	6965 SW 18 <sup>th</sup>	El Dorado, Kansas
Ann P. Carpenter	6965 SW 18 <sup>th</sup>	El Dorado, Kansas
Sharon Thiel	656 Hunton Road	El Dorado, Kansas
Steve Reynolds	1309 Joyce	El Dorado, Kansas
Bradley Cook	1585 SE Cole Creek Road	El Dorado, Kansas
Leanne Cook	1585 SE Cole Creek Road	El Dorado, Kansas
Martha Whisenhunt	7479 NW 30 <sup>th</sup>	Towanda, Kansas
Mary Lou Taylor	2950 W. Fourth	El Dorado, Kansas
Eric J. Taylor	720 W. Fourteenth	El Dorado, Kansas
Steve Fellers	2034 Chelsea Drive	El Dorado, Kansas
Kim Matthews	109 S. Emporia	El Dorado, Kansas
Laurel Acklin	303 N. Atchison	El Dorado, Kansas
Betty J. Kirkpatrick	718 W. Second	El Dorado, Kansas
Bruce Harris	4843 SW Country Lane	El Dorado, Kansas
Lionel Tipton	1845 Terrace	El Dorado, Kansas
James Smith	201 E. Carr	El Dorado, Kansas
Chet McCoy	336 Simpson Road	El Dorado, Kansas
Toni Scott	1305 Park Avenue	El Dorado, Kansas

**INVOCATION**

Pastor Garry Wright provided the invocation.

**PLEDGE OF ALLEGIANCE**

Students from the Skelly Elementary led the Governing Body and the audience with the Pledge of Allegiance.

**PROCLAMATIONS**

**El Dorado Elks Lodge Youth Week, Sharon Dixon**

Ms. Sharon Dixon, representative of the El Dorado Elks Lodge appeared before the Governing Body to address the upcoming activities for Youth Week. Commissioner Shepherd read the proclamation that declares the week of May 2, 2003 through May 9, 2003 as El Dorado Elks Lodge Youth Week.

**PERSONAL APPEARANCE**

**Arbor Day Poster Contest Winners**

Tree Board member, Betty Kirkpatrick appeared to present the Governing Body with the Tree City USA Award that the City has received for ten consecutive years, and the Tree City USA Growth Award that the City has received for nine consecutive years.

Ms. Kirkpatrick then presented the following Arbor Day Poster Contest Winners with their savings bonds: Hayley Fellers, Washington Elementary; Kyleb Koslowsky, Skelly Elementary; Ashley Leckliter, Grandview Elementary; Tyler McCune, Jefferson Elementary; and Ashton Cook, Lincoln Elementary.

**Juvenile Accountability Incentive Block Grant**

Ms. Ann Carpenter appeared before the Governing Body to make the request to spend El Dorado's allocation of the Juvenile Accountability Incentive Block Grant funds. This is the fourth year for this request. Ms. Carpenter then introduced Ms. Sharon Thiel, Community Services officer, that is in charge of the community service activities for the juvenile offenders.

Ms. Thiel provided data as it relates directly to El Dorado and the number of children served. She then offered an oversight of the daily activities of a Community Services Officer.

The Governing Body offered their unanimous support of their activities.

**DARE Graduation**

The Elementary School Resource Officer James Smith appeared to announce that the El Dorado 5<sup>th</sup> Grade DARE graduation would be held on Tuesday, April 29, 2003 at 6:00 p.m. in the El Dorado Middle School Auditorium.

**CONSENT AGENDA**

- A. Approval of the April 7, 2003, City Commission minutes.
- B. Approval of the April 7, 2003, City Commission minutes, second session.
- C. Approval of the April 16, 2003, Work Session minutes.
- D. Approval of the Engineer's Third and Final Pay Estimate dated April 7, 2003, on Project No. 996, installing sidewalks on the south side of east Central Ave. between Griffith and Woodland to the Contractor, Central Paving, Inc., in the amount of \$447.30.
- E. Approval of the Engineer's Second and Final Pay Estimate dated April 16, 2003, on Project No. 988, Sanitary Sewer to Serve Banks-Willhite First Addition, to the Contractor, Alan's Excavating, Inc., in the amount of \$1,301.58.
- F. Approval of the Engineer's Second and Final Pay Estimate dated April 16, 2003, on Project No. 994, Adlesperger- Smith Sewers Phase II- SSD No. 173, to the Contractor, Alan's Excavating, Inc., in the amount of \$1,779.36.

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

Commissioner Fagg seconded the motion and it carried 4-0.

**VACATION OF EASEMENT IN CRISS 7<sup>TH</sup> ADDITION**

City Planning Coordinator Shaunna Johnson stated that the property owners of Lot 3 & 4 in Criss Seventh Addition have requested that the easement between these lots be vacated. Ms. Johnson noted that the Governing Body is requested to consider the vacation of this easement by Ordinance. City staff recommends approval.

Commissioner Taylor asked if the City needed this easement. City Engineer David Wagner stated that City staff does not anticipate needing this utility easement in the future for utilities.

**ORDINANCE NO. S-1157**

Commissioner Taylor moved that Ordinance No. S-1157, provides for the vacation of an easement in Criss 7<sup>th</sup> Addition to the City, be placed on its passage and considered section by section.

Commissioner Shepherd seconded the motion.

**ROLL CALL**

Position No. 1	Commissioner Oral Taylor	yes
Position No. 2	Commissioner Linda Clark	absent
Position No. 3	Commissioner Brian Shepherd	yes
Position No. 4	Commissioner Michael Fagg	yes
	Mayor Connie Phillips	yes

**SET A PUBLIC HEARING DATE FOR PROJECT NO. 988 – SANITARY SEWERS TO SERVE BANKS-WILLHITE FIRST ADDITION AND PROJECT NO. 994 – SANITARY SEWERS TO SERVE ADLESPERGER-SMITH ADDITION PHASE II**

Project Nos. 988 and 994 are complete. The Commission is requested to set a hearing date to spread the costs to the properties involved.

**RESOLUTION NO. 2415**

**ACCEPTING THE PROJECT AND SETTING ASSESSMENT HEARING DATE FOR PROJECT NO. 988**

Commissioner Taylor moved that the City of El Dorado accept the completed work of Project No. 988 by Alan’s Excavating, and that the final cost be determined to be:

Preliminary Estimate	\$330,000.00
Final Cost	156,789.17
Unexpended	173,210.83
Improvement District Cost	152,473.37
City at Large Cost	4,315.80

and that Resolution No. 2415, a resolution providing notice of public hearing by this Commission at 7:30 P.M. on the 19th day of May, 2003 for the purpose of considering the proposed assessments of the cost of Project No. 988 and that the City Clerk be directed to cause a notice to be published in the Official City paper at least once not less than 10 days prior to the date of said meeting.

Commissioner Fagg seconded the motion and it carried 4-0.

**RESOLUTION NO. 2416**

**ACCEPTING THE PROJECT AND SETTING ASSESSMENT HEARING DATE FOR PROJECT NO. 994.**

Commissioner Fagg moved that the City of El Dorado accept the completed work of Project No. 994 by Alan's Excavating., and that the final cost be determined to be:

Preliminary Estimate	\$46,500.00
Final Cost	21,752.34
Unexpended	24,747.66
Improvement District Cost	21,752.34
City at Large Cost	0.00

and that Resolution No. 2416, a resolution providing notice of public hearing by this Commission at 7:30 P.M. on the 19th day of May, 2003 for the purpose of considering the proposed assessments of the cost of Project No. 994 and that the City Clerk be directed to cause a notice to be published in the Official City paper at least once not less than 10 days prior to the date of said meeting.

Commissioner Shepherd seconded the motion and it carried 4-0.

**EXTENSION OF TWELFTH AVENUE APPLICATION – KDOT FIVE YEAR CONSTRUCTION PLAN FOR SFY 2004-2008**

Mayor Phillips stated that the City of El Dorado has annually submitted applications to the Kansas Department of Transportation for consideration of being included in KDOT's five-year plan. The City must reaffirm its interest in this plan. City staff has proposed another application for the construction of the Twelfth Street extension for the City Commission's consideration. The proposed motion provides for the submission of this application to the State of Kansas, if the Commission desires.

Mr. Jay Johnson, 1230 N. Topeka, appeared before the Governing Body to question the City's decision to proceed with this application. He noted that this has been voted down several times and specifically in 1999 the Planning Commission had 12 members that voted no with only 1 voting yes. Mr. Johnson further noted that this plan, the 12<sup>th</sup> street extension, was originated approximately 30 years ago. At that time, the plan would have involved a small number of residences, this is not the case today. He requested that the City consider other possibilities.

Commissioner Taylor stated that he is in favor of the proposed project for two reasons: the relief of traffic on Sixth Avenue, and the possibility of significant Federal financial assistance.

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Commissioner Fagg then addressed several issues pertaining to this issue. He questioned when this had been voted down in the past and if so, why is it currently being considered again. He further questioned the County's involvement and when the last traffic flow study was completed.

City Manager Stewart answered by saying that this issue was voted down approximately ten years ago. Since then several community organizational meetings such as the Mayor's Round Table, El Dorado, Inc., and the Planning Commission's support of this in the Capital Improvement Plan, have each expressed a desire to proceed with this application. Mr. Stewart further noted that the County would have no involvement in this project. The last traffic flow study was completed in 1999.

Commissioner Taylor moved to approve the application of construction of Twelfth Street between Oil Hill Road and Main Street to be considered in the Kansas Department of Transportation's 2004-2008 five-year plan.

Mayor Phillips seconded the motion.

**ROLL CALL**

Position No. 1	Commissioner Oral Taylor	yes
Position No. 2	Commissioner Linda Clark	absent
Position No. 3	Commissioner Brian Shepherd	no
Position No. 4	Commissioner Mike Fagg	no
	Mayor Connie Phillips	yes

The motion did not pass.

**REZONING/SPECIAL USE LOCATED AT 117 WEST THIRD**

City Planning Coordinator Shaunna Johnson stated that the Planning Commission reviewed a request to rezone the property located at 117 West Third Street from C-1 General Commercial to C-2 Central Business District. In conjunction with this request, the applicants, Dalton and Sonja Patterson, are also requesting a Special Use Permit to allow the existing apartments to be located in a C-2 Central Business District. The zoning regulations require them to obtain a Special Use Permit for the apartments. The Patterson's intend to remodel the existing apartment complex and to build a garage for the apartments on the property as well. Rezoning this property to C-2 Central Business District will give them more flexibility with the setbacks, which is the purpose for the request. The Planning Commission recommended approval of this request. The Governing Body was provided a copy of the application and minutes from the Planning Commission meeting.

**ORDINANCE NO. G-942**

Commissioner Fagg moved that the recommendations of the Planning Commission be accepted and the Ordinance No. G-942, "AN ORDINANCE AMENDING PORTIONS OF THE ZONING REGULATIONS OF THE CITY OF EL DORADO, KANSAS, AS HEREINAFTER DESCRIBED," be placed on its passage and considered section by section.

Commissioner Shepherd seconded the motion.

**ROLL CALL**

Position No. 1	Commissioner Oral Taylor	yes
Position No. 2	Commissioner Linda Clark	absent
Position No. 3	Commissioner Brian Shepherd	yes
Position No. 4	Commissioner Michael Fagg	yes
	Mayor Connie Phillips	yes

**RESOLUTION NO. 2417**

Commissioner Shepherd moved that in the case of the Special Use Permit for apartments to be located at 117 West Third, the City Commission adopt the recommendation of the Planning Commission and that Resolution No. 2417, A RESOLUTION SETTING OUT THE FINDINGS OF THE CITY OF EL DORADO IN SPECIAL USE CASE NO. 03-001 be adopted.

Commissioner Taylor seconded the motion and it carried 4-0.

**ADOPTION OF NATIONAL ELECTRICAL CODE (2002 NEC)**

City Building Inspector Loren Wranosky explained that the Building Department, in an ongoing effort to maintain state of the art electrical practices within the City of El Dorado, hereby requests the adoption of this code in its entirety with the amendment to keep the non-metallic support provision in place. Mr. Wranosky was also present to answer any questions from the Governing Body regarding this adoption.

**ORDINANCE NO. G-943**

Commissioner Taylor moved that Ordinance No. G-943, the same being, “ AN ORDINANCE AUTHORIZING THE ADOPTION OF THE 2002 NATIONAL ELECTRICAL CODE BE ADOPTED AS WRITTEN.

Commissioner Fagg seconded the motion.

**ROLL CALL**

Position No. 1	Commissioner Oral Taylor	yes
Position No. 2	Commissioner Linda Clark	absent
Position No. 3	Commissioner Brian Shepherd	yes
Position No. 4	Commissioner Michael Fagg	yes
	Mayor Connie Phillips	yes

**BOARD APPOINTMENTS**

**AIRPORT ADVISORY BOARD**

Commissioner Taylor moved to appoint David Chapin to the Airport Advisory Board for a three-year term ending April 1, 2006.

Commissioner Fagg seconded the motion and it carried 4-0.

**EL DORADO INC.**

The El Dorado Inc. appointments were tabled to the next regularly scheduled City Commission meeting.

**SELECTION AND APPOINTMENT OF VICE-MAYOR**

Mayor Phillips moved to appoint Commissioner Oral Taylor as Vice-Mayor until the second meeting in April of 2004.

Commissioner Fagg seconded the motion and it carried 4-0.

**MISCELLANEOUS**

**MAYOR PHILLIPS – LAST ELECTION**

Mayor Phillips provided a prepared statement and comments regarding the last election.

**WORK SESSION**

A work session is scheduled for April 30, 2003 at 3:00 p.m.

**SPRING CLEAN UP**

City Manager Stewart noted that the City's Spring Clean Up is April 21-25, 2003. All residents are encouraged to take advantage of this opportunity.

**CIP/BUDGET – 2003**

City Manager Stewart stated that the Planning Commission would soon be returning their decisions to the Governing Body regarding the CIP. Decisions will also need to be made regarding the budget because of some of the State budget cuts.

**POLICE DEPARTMENT**

The Police Department anticipates being able to move into their new facility May 7, 2003.

**ADJOURNMENT**

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**Interim City Clerk Shaunna Johnson**

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**Mayor Connie Phillips**

