

EL DORADO CITY COMMISSION MEETING

May 1, 2006

The El Dorado City Commission met in regular session on May 1, 2006, at 7:00 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.

VISITORS

Quincy Yeubanks	2310 Bridgette	El Dorado, Kansas
Sally & Hanna Rowell	1640 Cottonwood Dr.	El Dorado, Kansas
Taylor Lawrence	220 Bel Air Ave.	El Dorado, Kansas
Emma Wilber	530 Meadow	El Dorado, Kansas
Shelby Rowell	1640 Cottonwood Dr.	El Dorado, Kansas
Josh Wolf	1019 Skyview Dr.	El Dorado, Kansas
Tristen Miles	1225 Glenview Dr.	El Dorado, Kansas
Parker Waite	115 Genna Ct.	El Dorado, Kansas
Andrew Shannon	2049 Dragonfly	El Dorado, Kansas
Seth Daggett	1014 W. 3rd	El Dorado, Kansas
Teri Bowlin	510 Ohio	El Dorado, Kansas
Roger Cutsinger	712 W. 14 th	El Dorado, Kansas
Mary Lou Taylor	2950 W. 4th	El Dorado, Kansas
Brent Kirkpatrick	209 W. Locust	El Dorado, Kansas
Frank Kratzer	2230 W. 3 rd	El Dorado, Kansas
David Yearout	1710 Post Ct.	El Dorado, Kansas
Matt Rehder	924 N. Topeka	El Dorado, Kansas
Colin Rowell	1640 Cottonwood Dr.	El Dorado, Kansas
Ray Connell	2520 Chase Ave.	El Dorado, Kansas
Sharon Dickson	930 Locust	El Dorado, Kansas
Larry Scott	225 Residence	El Dorado, Kansas
Sam McVay	141 N Emporia	El Dorado, Kansas
Leonard & Nellie Smith	601 N. High	El Dorado, Kansas
Don Taylor	2950 W. 4 th	El Dorado, Kansas
Gerald Watson	125 N. Summit	El Dorado, Kansas
Jim Hargrove	707 Post Rd.	El Dorado, Kansas
Brent Miles	1225 Glenview Dr.	El Dorado, Kansas
Kirby Melugin	920 ½ N. Main	El Dorado, Kansas
Mable Pratt	521 Sharpville Rd.	El Dorado, Kansas
Donald Adlesperger	1285 S. Topeka	El Dorado, Kansas
Howard Lackenmay		Newton, Kansas
Mary & Chet McCoy	336 Simpson Rd.	El Dorado, Kansas
Carl Andrews	1730 Cottonwood Dr.	El Dorado, Kansas
Dave Sundgren	533 Prairie Rd.	El Dorado, Kansas
Pat Hicks	1147 S. Arthur	El Dorado, Kansas
Gary Ball	817 W. 4 th	El Dorado, Kansas

CALL TO ORDER

Mayor Brian D. Shepherd called the May 1, 2006, City Commission meeting to order.

INVOCATION

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

PLEDGE OF ALLEGIANCE

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

PROCLAMATIONS

Mayor Brian Shepherd read a Proclamation, proclaiming the week of April 30, 2006, through May 6, 2006, as El Dorado Elks Lodge Youth Week.

Frank Kratzer, El Dorado Police Department, invited the public to the El Dorado Law Enforcement Memorial Service, which will be held at the El Dorado Civic Center on Friday, May 12, 2006, at 10:00 a.m.

Mayor Shepherd read a Proclamation, proclaiming May 15, 2006, as Peace Officers' Memorial Day, and also proclaiming the week of May 14, 2006, through May 21, 2006, as National Police Week.

CONSENT AGENDA

- a) Approval of the April 17, 2006, City Commission minutes.
- b) Approval of Appropriation Ordinance No. 04-06 in the amount of \$1,843,818.27.
- c) Approve the Engineer's First Pay Estimate dated April 25, 2006, on Project No. 275, Sanitary Sewer to Lot 3 El Dorado Plaza Addition to the Contractor, Alan's Excavating, in the amount of \$23,737.79.
- d) Approve the Engineer's Third Pay Estimate dated April 24, 2006, on Project No. 947, Pedestrian/Bicycle Facilities to the Contractor, Cornejo & Sons, in the amount of \$71,610.99.
- e) Approve the Engineer's First Pay Estimate dated April 25, 2006, on Project No. 274, 2006 Sales Tax Street to the Contractor, APAC-Kansas, in the amount of \$9,985.74.
- f) Approve the Engineer's First Pay Estimate dated April 25, 2006, on Project No. 241, 2006 Sales Tax Sidewalk-Haverhill (Towanda to Central) to the Contractor, Barkley Construction, in the amount of \$12,029.55.

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

Commissioner Michael Fagg seconded the motion.

Motion carried 5-0.

INDUSTRIAL REVENUE BONDS – CENTRAL KANSAS PROPERTIES, LLC

Mayor Brian Shepherd stated at the February 6, 2006, City Commission meeting, the Governing Body issued a resolution of intent to issue Industrial Revenue Bonds for a new Holiday Inn Express in the Business Park. The purpose of this IRB issuance is to provide funding for the construction and equipping of the hotel by Central Kansas Properties, LLC. The following actions authorize the issuance of the bonds and extend the closing date from May 15, 2006, to June 1, 2006, to allow additional time to handle the issues related to the real estate.

Commissioner Michael Fagg questioned the relationship between AJ Hospitality and Central Kansas Properties. Wade Wilkinson stated they were the same; AJ Hospitality is the management company and would sub-lease from Central Kansas Properties.

Discussion ensued regarding the bonds, insurance, ownership of land, closing date and assignment of lease.

Commissioner Steve Pershall moved that the addendum to the real estate purchase agreement between Central Kansas Properties, LLC, and the City of El Dorado for the purpose of extending the closing date to June 1, 2006, be approved.

Commissioner Linda Clark seconded the motion.

Motion carried 5-0

ORDINANCE NO. S-1266

Commissioner Linda Clark moved that Ordinance No. S-1266, an ordinance of the City of El Dorado, Kansas, authorizing the issuance of not to exceed \$3,500,000 aggregate principal amount of Taxable Industrial Revenue Bonds, Series 2006 (Holiday Inn Express project) for the purpose of providing funds to construct and equip a mid-price range hotel; prescribing the form and authorizing execution of a bond agreement by and among the City of El Dorado, Central Kansas Properties, LLC, and Community National Bank; prescribing the form and authorizing the execution of a lease by and between the City of El Dorado and Central Kansas Properties, LLC; approving the form of a sublease to AJ Hospitality, Inc; approving the form of a guaranty agreement; and authorizing execution of related documents, be approved.

Commissioner Steve 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

FINAL PLAT OF THE EL DORADO HIGH SCHOOL ADDITION LOCATED SOUTH OF MCCOLLUM ROAD AND EAST OF MAIN STREET (CASE NO. 06-003-FINAL PLAT)

Interim Planning/Zoning Director Dave Yearout stated that Unified School District 490 is seeking approval of the final plat of the El Dorado High School Addition. The property is located south of McCollum Road and east of Main Street and is zoned R-1, Residential – Low Density.

Interim Planning/Zoning Director Yearout stated that this is a single-lot plat for the property at El Dorado High School. This plat will establish a number of easements to accommodate public utilities and private drainage improvements serving the additions being made to the High School. As noted in the staff report, there will be a number of easements established after construction is completed to protect additional utility lines once the exact location of those lines can be verified. While this is not a normal action for a plat, it is reasonable for a project of this size and scale to assure there are not problems during construction that could create legal impediments or slow construction. All parties involved to date are agreeable to this course of action.

Discussion ensued regarding the private storm water drainage plan and possible future problems. The Commission discussed questions regarding the easements, both past and current.

Commissioner Steve Reynolds moved that the final plat of the El Dorado High School Addition located south of McCollum Road and east of Main Street, Case No. 06-003-Final Plat, be approved as recommended by the Planning Commission and that the Mayor and City Clerk be authorized to sign the final plat.

Commissioner Linda 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 (CASE NO. 06-002-FINAL PLAT)

Interim Planning/Zoning Director Dave 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 item is continued from the April 17, 2006 City Commission meeting. The applicant was requested to complete the appraisal of the value of the land that would determine the payment in lieu of park land dedication as specified by the El Dorado Subdivision Regulations.

Interim Planning/Zoning Director Yearout stated that the appraisal gives a value of the land included in the proposed plat to be \$5,400.00 per acre, for a total value of \$27,000.00; with the 4% value being \$1,080.00. This equates to \$72.00 per lot for the 15 lots included in this first phase of the development. According to the Subdivision Regulations, if this is accepted by the City Commission the \$72.00 per lot would be collected at the time of issuance of a building permit for a home on the lot.

Discussion ensued regarding the appraisal of the land as it pertains to the payment in lieu for the park land and City regulations.

Commissioner Steve 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 tabled until the next City Commission meeting.

Commissioner Michael Fagg seconded the motion.

Motion carried 4-1, Commissioner Linda Clark dissenting.

PUBLIC COMMENTS

Mayor Brian Shepherd opened the floor for public comments.

Ms. Pat Hicks thanked the Mayor and Commissioner Fagg for looking out for the taxpayers.

Mr. Dave Sundgren stated his concerns regarding the Commission questioning recent appraisal fees.

Mr. Gary Ball requested the Commission review all the facts pertaining to the Prairie Land First Addition final plat.

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Mr. Don Adlesperger commented that the Prairie Land First Addition plat should be approved, and then the Commission should review the regulations before approving any future developments.

Mayor Shepherd closed the public comments session.

COMMISSION COMMENTS

Commissioner Linda Clark complimented Matt Rehder, City of El Dorado Administrative Intern, on the article about El Dorado's streets in the Kansas Government Journal.

Commissioner Michael A. Fagg questioned the status of the hiring of a Compliance Officer. City Manager Llewellyn stated interviews were held last week.

Commissioner Fagg commented on the City of Wichita's Flood Plain Management Task Force.

Commissioner Steve Pershall questioned the status of the upgrade on the City's financial software.

Mayor Shepherd closed the Commission Comment session.

EXECUTIVE SESSION

Mayor Brian Shepherd stated the Executive Session is related to the acquisition of real estate and confidential data relating to financial affairs or trade secrets of a corporation.

Commissioner Michael Fagg stated he would also like an update on legal issues.

Commissioner Linda Clark moved to recess into an Executive Session for the purposes of discussing details related to the acquisition of real estate, confidential data relating to financial affairs or the trade secrets of a corporation, and legal issues, and to reconvene the regularly scheduled meeting in the City Commission room at 10:15 p.m.

Commissioner Pershall seconded the motion.

Motion carried 5-0.

Mayor Shepherd reconvened the City Commission meeting at 10:17 p.m.

CITY MANAGER'S REPORT

No items reported.

ADJOURNMENT

Commissioner Steve Pershall moved to adjourn the meeting at 10:19 p.m.

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

City Clerk Kendra Waite

Mayor Brian D. Shepherd