

EL DORADO CITY COMMISSION MEETING May 3, 2004

The El Dorado City Commission met in regular session on May 3, 2004, at 7:30 p.m. in the Police Department Court Room with the following present: Mayor Connie Phillips, Commissioner Michael A. Fagg, Commissioner Linda Clark, Commissioner Oral W. Taylor, Commissioner Brian Shepherd, City Manager Stan B. Stewart, Assistant City Manager Gus Collins, City Engineer Dave Wagner, City Attorney Mike Coash and City Clerk/Finance Director Dee Anne Grunder.

VISITORS

| | | |
|----------------------------------|--------------------------|-------------------|
| John Sullivan | 509 N. Arthur | El Dorado, Kansas |
| Shirley Reinhart | 51 SW Morley | El Dorado, Kansas |
| Mary Lou Taylor | 2950 W. 4 th | El Dorado, Kansas |
| Jack & Sharon Dickson | 930 W. Locust | El Dorado, Kansas |
| Roger Cutsinger | 712 W. 14 th | El Dorado, Kansas |
| Lionel Tipton | 1845 Terrace | El Dorado, Kansas |
| Jerry Mosier | 100 S. Summit | El Dorado, Kansas |
| Chet McCoy | 336 Simpson Rd. | El Dorado, Kansas |
| Faye Wilson | 512 W. 12 th | El Dorado, Kansas |
| Verlee Adam | 1426 Edgemoor | El Dorado, Kansas |
| Jamie Boyce | Susan B. Allen | El Dorado, Kansas |
| Jean Jones | 612 W. 4 th | El Dorado, Kansas |
| Mac & Cathy Hicks | 424 Oil Hill Rd. | El Dorado, Kansas |
| Pat Hicks | 1147 S. Arthur | El Dorado, Kansas |
| Robbie & Robin Pollard | 2002 Chelsea Dr. | El Dorado, Kansas |
| Sherry Melugin/Lauren Bowen | 325 W. Towanda | El Dorado, Kansas |
| Les & Roxanne Limon | 1340 S. Emporia | El Dorado, Kansas |
| Jim Stump | 1230 Prairie View | El Dorado, Kansas |
| Travis & Amy Mann | 1744 Lakeland Dr. | El Dorado, Kansas |
| Terry & Sharon Stewart | 1852 Hazlett | El Dorado, Kansas |
| Cecilia Goebel | 2125 Pico Ct. | El Dorado, Kansas |
| Jeff Reynolds | 2205 Pico Ct. | El Dorado, Kansas |
| Shelby Frazier | 1629 Terrace | El Dorado, Kansas |
| Virgil Grange | 629 N. Topeka | El Dorado, Kansas |
| Laurel Acklin | 303 N. Atchinson | El Dorado, Kansas |
| Betty J. Kirkpatrick | 718 W. 2 nd | El Dorado, Kansas |
| Steve Fellers | 2034 Chelsea | El Dorado, Kansas |
| Clinton & Corbin Hess | 26 East Ct. | El Dorado, Kansas |
| Shelly Wheeler & Joan Wescott | 26 East Ct. | El Dorado, Kansas |
| Joel, Donna, Dusten & Joni Stahl | 600 N. Topeka | El Dorado, Kansas |
| Angela, Jessica & Katie Scovel | 1101 Clark, Apt. #8 | El Dorado, Kansas |
| Tonya Kerschner | 5584 NE 10 th | El Dorado, Kansas |
| Greg Joyce | 1005 Rim Rock | El Dorado, Kansas |
| Ron Parker | 240 Bel Air | El Dorado, Kansas |
| Brad Meyer | 518 Cave Springs | El Dorado, Kansas |
| Luke Bryan | 1522 Terrace | El Dorado, Kansas |
| Todd Peterson | 1830 Kendrick Ln. | El Dorado, Kansas |
| Dick Clark | 805 S. Topeka | El Dorado, Kansas |
| Jerry Blount | 131 Hillside | El Dorado, Kansas |

INVOCATION

Mayor Connie Phillips called the May 3rd meeting to order. Father Mike Nolan opened the meeting with prayer.

EL DORADO CITY COMMISSION MEETING May 3, 2004

PLEDGE OF ALLEGIANCE

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

PROCLAMATIONS

National Police Week & Peace Officer's Memorial Day

Deputy Chief Dick Clark appeared before the Commission to request a proclamation for National Police Week, May 9-15, 2004 and Peace Officer's Memorial Day, May 15, 2004.

Mayor Connie Phillips declared May 9-15, 2004 National Police Week and May 15, 2004 Peace Officer's Memorial Day.

National Nurse's Week

Jamie Boyce, SBAMH, appeared before the Commission to request that the week of May 6-12, 2004 be proclaimed National Nurse's Week.

Mayor Connie Phillips declared May 6-12, 2004 as National Nurse's Week.

National Music Week

Mayor Connie Phillips declared May 2-9, 2004 National Music Week.

El Dorado Elks Lodge Youth Week

Roger Cutsinger appeared before the Commission to introduce members of the Elk Youth Lodge and invite everyone to "Safe Night Out" on May 7th. El Dorado Elks Lodge Youth Week will be May 2 – 8, 2004.

PERSONAL APPEARANCE

Steve Fellers and Betty J. Kirkpatrick of the El Dorado Tree Board, appeared before the Governing Body to present the Commission with the Tree City USA Award and Tree City Growth Award. Mr. Fellers stated that the Arbor Day Observance was held at Lincoln Elementary School. He also recognized winners from the Arbor Day Poster Contest. The winners were: First place – Clinton Hess, Runners up – Sarah Frasier, Katie Scovel, Joni Stahl, and Curtis Pollard. Mr. Fellers also thanked the Commission for their continued support.

CITIZEN OF THE MONTH

Commissioner Brian Shepherd presented the Citizen of the Month award to Jerry Mosier.

GFOA Award for Financial Excellence

City Manager Stan Stewart presented the Governmental Finance Officer's Association Certificate of Achievement for Excellence in Financial Reporting award to Assistant City Manager Gus Collins. This is the 26th consecutive year that the City of El Dorado received the award.

EL DORADO CITY COMMISSION MEETING May 3, 2004

CONSENT AGENDA

- a. Approval of the April 19, 2004, City Commission minutes.
- b. Approval of the April 29, 2004, Work Session minutes.
- c. Approval of Appropriation Ordinance No. 04-04 in the amount of \$1,682,067.32.
- d. Approval of the Engineer's seventh and final pay estimate dated April 23, 2004 on Project No. 957 & 997 Village Rd. to the contractor, Central Paving, Inc., in the amount of \$8,742.80.
- e. Approval of the Engineer's third pay estimate dated April 23, 2004 on Project No. 226 South Main Grant-Street Lighting to the contractor, Bill's Electric, in the amount of \$27,597.18.
- f. Approval of the Engineer's third pay estimate dated April 23, 2004 on Project No. 218 Paving Potter's Second Addition to the contractor, Kansas Paving, in the amount of \$28,714.38.
- g. Approval of the Engineer's fourth and final pay estimate dated April 23, 2004 on Project No. 980 Paving Oak Street to the contractor, Central Paving, in the amount of \$2,590.00.
- h. Approval of the Engineer's sixth pay estimate dated April 23, 2004 on Project No. 959 2003 Sales Tax to the contractor, Central Paving, in the amount of \$136,336.25.
- i. Approval of the Engineer's second and final pay estimate dated April 23, 2004 on Project No. 217 Sanitary Sewer Potter's Second Addition to the contractor, Kansas Paving, in the amount of \$2,000.00.
- j. Approval of the Engineer's first pay estimate dated April 23, 2004 on Project No. 219 12" Water Line Bores West Central Avenue to the contractor, Nowak Construction, in the amount of \$119,589.20.
- k. Approval of the Engineer's second pay estimate dated April 23, 2004 on Project No. 227 Stamped & Stained Concrete 100 Block E. Pine to the contractor, Demo Construction, in the amount of \$14,431.19.
- l. Approval of the Engineer's first pay estimate dated April 23, 2004 on Project No. 235 Paving Fifth Avenue (Houser to Emporia) to the contractor, Kansas Paving, in the amount of \$13,267.92.

Commissioner Taylor moved that the Consent Agenda as presented be approved.

Commissioner Fagg seconded the motion. Motion carried 5-0.

COMMERCIAL RECYCLING

Mayor Phillips stated that the Recycling Advisory Committee has been working on a plan to enhance the existing commercial recycling program. The existing program is for commercial cardboard with approximately 25-30 businesses participating.

EL DORADO CITY COMMISSION MEETING May 3, 2004

Greg Joyce, 1005 Rim Rock, Recycling Committee Chairman, discussed the proposed program and explained the funding aspects. Kansas Department of Health and Environment uses the competitive grants to enhance existing programs and establish new

programs. The City of El Dorado requested \$80,000 to expand and enhance commercial cardboard recycling and to improve the school recycling program. Mr. Joyce stated that the City was awarded a \$50,000 grant. A Tommy Lift and toters will be purchased for the School Program. The grant will also provide sixty-five 2-yard dumpsters, and staff is recommending retaining an existing packer (1997) to be used for this program. The staff members are anticipating a 100% increase in the amount of cardboard collected.

Assistant City Manager Gus Collins stated that the 2004 budget includes \$55,000 for a refuse packer. That amount, along with the KDHE a grant for \$25,000.00, sufficient to purchase the new packer body.

Mr. Joyce stated that there would be no charge to businesses for cardboard collection. Currently there are we have twenty-five customers. This is a loss of \$4,700.00 per year.

Assistant City Manager Gus Collins stated that the Recycling Committee wanted to provide an incentive for businesses to participate in this program, so they recommended waiving the charges for cardboard collection. It is anticipated the revenue received from the cardboard will exceed the additional cost and potential loss of revenue.

Commissioner Oral Taylor questioned the dumpster and toter costs. He also stated that recycling does not necessarily save money. The cost at the landfill may increase due to a reduction in deposits at the landfill. Tipping fees usually increase to cover fixed landfill costs. Commissioner Taylor requested that the Recycling Committee review the agreements with other entities for possible revisions.

CONSTRUCTION OF SANITARY SEWERS IN GRILER ADDITION

Vice Mayor Oral Taylor stated that the developer of the Griler Addition has filed a petition to provide for the construction of Sanitary Sewers (Project No. 247) in the Griler Addition.

RECEIVING THE PETITION

City Clerk Dee Anne Grunder reported to the Commission that the petition for the construction projects, signed by owners of 100% of the total number of lots in the improvement district, is sufficient for Project No. 247.

RESOLUTION 2455

City Engineer Dave Wagner stated that property owners typically pay 100% for the sewer laterals unless there is a sewer main (pipes greater than 8-inches in diameter).

Commissioner Fagg asked for the City's obligation to the total project. He questioned whether the City had made a request for a cash bond or letter of credit.

Commissioner Fagg and Commissioner Shepherd both stated that they would like to review the policy or consider requiring these types of assurances in the future.

Commissioner Clark moved that the report of sufficiency be accepted for Project No. 247 for Sanitary Sewer District No. 175, and that Resolution No. 2455, a resolution of finding as to advisability and resolution authorizing improvement combined, be adopted

EL DORADO CITY COMMISSION MEETING May 3, 2004

and further move that the City Manager be instructed to take bids after plans, specifications, and cost estimates are prepared.

Commissioner Shepherd seconded the motion. Motion carried 3-0-2. Mayor Phillips and Commissioner Fagg abstained.

AUTHORIZING THE ISSUANCE OF FUNDS FOR PROJECT Nos. 223, 224, 232 and 236

Mayor Phillips stated that contracts have been signed for these projects and are now ready for funding.

- a. Project No. 223, Haverhill Rd. (Towanda to Central) reconstruction of concrete pavement at the intersection of Haverhill and Towanda
- b. Project No. 224, Gordy Street (Central to Third), First and Second Avenue (Gordy to Main and Main to Vine) and the east side of the 100 block S. Gordy.
- c. Project No. 236, sidewalks on the 100 block W. Pine and the east side of the 100 block S. Gordy.

2004 Sales Tax Project

Project No. 232, repair Union Pacific RR Crossing at 4th and Main.

Assistant City Manager Gus Collins stated that the Bond Attorney had indicated the City should prepare three ordinances. The last action taken in the motion will be authorization to spend the sales tax monies for Project No. 232.

ORDINANCES ISSUING BONDS S-1190, S-1191, S-1192

Commissioner Shepherd questioned if it is consistent with the City’s policy to use sales tax monies on the railroad crossing.

Assistant City Manager Collins that stated sales tax money was used in 2003 on Vine Street railroad crossing.

Commissioner Taylor moved that Ordinance Nos S-1190, S-1191 and S-1192 “ordinances authorizing the issuance of bonds of the City of El Dorado, Kansas, in an amount not to exceed \$25,000, \$25,000 and \$47,000 in payment of the cost or a part of the cost of Project 223, 224, and 236, respectively, and providing for the issuance of temporary notes pending the issuance of such bond:” and further authorize the use of sales tax monies to fund Project 232 in an amount not to exceed \$140,000.

Commissioner Shepherd seconded the motion.

ROLL CALL

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

EL DORADO CITY COMMISSION MEETING May 3, 2004
2004 SALES TAX STREET PROGRAM

Mayor Connie Phillips stated that the improvement of the railroad crossing at the intersection of 4th and Main is included in the 2004 Street Program. The split is 80/20 for the cost to improve the railroad track. The City's portion of this will be funded through sales tax revenue.

Mayor Phillips questioned how much the City's obligation would be for the project.

Assistant City Manager Gus Collins stated the amount would be \$117,585.00.

Commissioner Clark moved to authorize the Mayor to execute an agreement between the City of El Dorado and Union Pacific Railroad for the improvement to the railroad crossing at the intersection of North Main and 4th Avenue.

Commissioner Shepherd seconded the motion. Motion carried 5-0.

Commissioner Fagg referenced exhibit B and noted that the City would be obligated if the cost exceeded the estimate. The costs can increase or decrease per exhibit. He also indicated that exhibit B states an 85/15 split rather than 80/20.

SET A PUBLIC HEARING DATE FOR PROJECT NOS. 974 AND 218

Mayor Connie Phillips stated that Project Nos. 974, 217 and 218 are ready for assessment. The projects are as following:

- a. Project No. 974 – Repaving Frazier from Fourth to Sixth and Fourth from Frazier to High.
- b. Project No. 217 – Sanitary Sewer District No. 174 to serve Potter's Second Addition.
- c. Project No. 218 – Paving Potter's Second Addition.

Commissioner Shepherd moved that the City of El Dorado accept the completed work of Project No.974 by Central Paving, Inc., and Project Nos. 217 and 218 by Kansas Paving, and that provide notice of public hearing by this Commission at 7:30 p.m. on the 7th day of June, 2004, for the purpose of considering the proposed assessments of the cost of Project Nos. 974, 217 and 218, and that the City Clerk be directed to cause a notice in the official City paper at least once not less than 10 days prior to the date of said meeting.

Commissioner Taylor seconded the motion. Motion carried 5-0.

KDOT STATE FISCAL YEAR (SFY) 2005-2009 FIVE-YEAR PROJECT FUNDING

KDOT (SFY) 2005-2009 Five-Year Project Fund request must be submitted by May 8th. The City's 2004-2009 Capital Improvement Plan includes both the North Main bridge widening and the Ninth Avenue bridge replacement improvement projects.

City Manager Stan Stewart stated that in order to get in the State system, the City needs to submit an application at this time. It may be several years before the State includes it in their fiscal year projects. The City will only get one of the projects, and the other will go back in the pool of applications. We must give some priority and let the State know the City's preference. The Staff recommends North Main bridge be priority due to the volume of traffic. There will be no commitment until a State contract is returned for Commission's approval.

EL DORADO CITY COMMISSION MEETING May 3, 2004

The Commission's consensus was to prioritize North Main bridge.

Commissioner Taylor moved that the City submit a request for matching funds for North Main bridge rehabilitation and Ninth Avenue bridge replacement through the State Fiscal Year 2005 – 2009 Five-Year Program.

Commissioner Clark seconded the motion.

Commissioner Shepherd questioned whether the City would be allowed to rehabilitate the Ninth Avenue bridge if State funds were not used, in the event the City could do so for less than the City's share of the grant.

City Manager Stan Stewart responded that it would be checked into.

Motion carried 5-0.

BOARD APPOINTMENTS

Mayor Phillips stated that the City Commission needs to appoint the remaining members to the Traffic Study Committee.

Commissioner Fagg moved to appoint Sharon Fox, Ev Kohls, Barry Mohler, Jeff Reynolds and Vince Haines to the Traffic Study Committee.

Commissioner Shepherd seconded the motion. Motion carried 5-0.

SELECTION AND APPOINTMENT OF VICE-MAYOR

Mayor Phillips stated that Commissioner Oral Taylor has served as Vice-Mayor for the past year, and the appointment was for a one-year term. The City Commission needs to appoint a Vice-Mayor.

Commissioner Fagg moved to appoint Commissioner Brian Shepherd to serve as Vice-Mayor until the second meeting in April 2005.

Commissioner Taylor seconded the motion. Motion carried 5-0.

CITY MANAGER'S REPORT

City Manager Stan Stewart noted the following:

The annual Spring Cleanup was very successful.

Sewer Averaging

City Manager Stan Stewart stated that sewer averaging will go into affect on the May water bills.

Mayor Phillips

Mayor Phillips stated that the City received a first place award for the Consumer Confidence Report. The Mayor also announced that there will not be any more Work Sessions until the end of the summer.

Commissioners

EL DORADO CITY COMMISSION MEETING May 3, 2004

Commissioner Fagg stated that he would like City Building Official Loren Wranosky to attend the next meeting to answer questions on the South Main Property.

Commissioner Clark stated that she would like the Structural Engineer present also.

Commissioner Fagg indicated a need to discuss the issue of mold and also 15-36-190.

ADJOURNMENT

Mayor Phillips adjourned the meeting at 9:30 p.m.

City Clerk Dee Anne Grunder

Mayor Connie Phillips