

EL DORADO CITY COMMISSION MEETING MINUTES

May 5, 2003

The El Dorado City Commission met in regular session on May 5, 2003. The following were present: Mayor Connie Phillips, Commissioner Oral Taylor, Commissioner Linda Clark, 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.

VISITORS

Michele Banks	1824 Lawndale	El Dorado, Kansas
Eric J. Taylor	720 W. Fourteenth	El Dorado, Kansas
Stephanie Taylor	720 W. Fourteenth	El Dorado, Kansas
James Hays	521 S. Denver	El Dorado, Kansas
Marty Hays	521 S. Denver	El Dorado, Kansas
Thomas Hays	521 S. Denver	El Dorado, Kansas
Verlee Adam	1426 Edgemoor	El Dorado, Kansas
Faye Wilson	512 W. Twelfth Avenue	El Dorado, Kansas
Roland & Kristi Davis	115 N. Orchard	El Dorado, Kansas
Sidney K. Large	532 W. Twelfth Avenue	El Dorado, Kansas
Steve Reynolds	1309 Joyce	El Dorado, Kansas
Jeff Reynolds	2205 Pico Court	El Dorado, Kansas
Jerry Blount	131 Hillside	El Dorado, Kansas
Nellie Smith	601 N. High	El Dorado, Kansas
Leonard Smith	601 N. High	El Dorado, Kansas
Andy McElhiney	1302 Joyce	El Dorado, Kansas
Delores Briggs	440 Hillside	El Dorado, Kansas
Kenny Conrad	611 W. Twelfth Avenue	El Dorado, Kansas
Diana Conrad	611 W. Twelfth Avenue	El Dorado, Kansas
Connie Herrin	535 W. Fourteenth	El Dorado, Kansas
Robin Gonzalez	707 W. Thirteenth	El Dorado, Kansas
Randy Mitchell	1326 Joyce	El Dorado, Kansas
Bret McClendon	682 NW 90 th	El Dorado, Kansas
Dick Clark	805 S. Topeka	El Dorado, Kansas
Darrell Whitney	206 Warren Road	El Dorado, Kansas
Misty & Russell Pope	502 W. Twelfth	El Dorado, Kansas
Debbie Nuessen	624 W. Fourteenth	El Dorado, Kansas
Lisa Benest	511 W. Twelfth Avenue	El Dorado, Kansas
Craig Lorenson	514 W. Olive	El Dorado, Kansas
Chester McCoy	336 Simpson Road	El Dorado, Kansas
Lou Clennan	1845 Country Club Road	El Dorado, Kansas
Julie Holladay	702 W. Tenth	El Dorado, Kansas

INVOCATION

The Reverend Dr. James Ayers provided the invocation.

PLEDGE OF ALLEGIANCE

The following Washington Elementary School students along with their teacher led the Governing Body with the pledge of allegiance: Kristi Davis, Thomas Hays, Sidney McClendon and Jean Fry, Counselor.

PROCLAMATIONS

National Music Week

Commissioner Clark read the proclamation that declares the week of May 4, 2003 through May 11, 2003 as National Music Week.

National Police Week

Police Chief Richard Clark appeared before the Governing Body to request that the week of May 11 2003, through May 17, 2003 be declared as National Police Week and the day of May 15, 2003 as Peace Officers' Memorial Day. Mayor Phillips then read the proclamation.

PERSONAL APPEARANCE

Main Street Update

Ms. Lou Clennan, President and Michelle Banks, Vice-President of El Dorado Main Street appeared before the Governing Body to provide them with an update of the current activities of the Main Street Organization.

CONSENT AGENDA

- a) Approval of the April 21, 2003, City Commission minutes.
- b) Approval of the May 2, 2003, Work Session minutes.
- c) Approval of Appropriation Ordinance No. 04-03 in the amount of \$1,837,288.59.
- d) Approval of the Engineer's First and Final Pay Estimate dated April 25, 2003 on Project No. 975, resurfacing Third between Jones and Orchard to the Contractor, Central Paving, Inc., in the amount of \$35,066.58.
- e) Approval of the Engineer's First Estimate dated April 25, 2003 on Project No. 974, Repaving 500 & 600 Block of Frazier, and the 1000 & 1100 Block of Frazier to the Contractor, Central Paving, Inc., in the amount of \$69,686.90.
- f) Approval of the Engineer's First Estimate dated April 25, 2003 on Project No. 995, Paving Adlesperger-Smith Addition Phase II, to the Contractor, Central Paving, Inc., in the amount of \$39,207.29.
- g) Approval of the Engineer's Sixth and Final Pay Estimate dated April 24, 2003 on Project No. 908-C, Street Improvements for the El Dorado Business Park – Phase I, to the Contractor, Central Paving, Inc., in the amount of \$6,804.14.
- h) Approval of the Engineer's First Pay Estimate dated April 11, 2003 on Project No. 201, Sidewalk Improvements West Side 400 Block S. Main, to the Contractor, Demo Construction LLC, in the amount of \$6,198.75.

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

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

PROJECT NO. 990 – PAVING BANKS – WILLHITE FIRST ADDITION

Mayor Phillips noted that the City Commission had directed that bids be taken on this project. Bids were taken and the low bid was below the Engineers Estimate.

ORDINANCE NO. S-1158

Commissioner Shepherd moved that Ordinance No. S-1158, the same being, "AN ORDINANCE AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY OF EL DORADO, KANSAS, IN AN AMOUNT NOT TO EXCEED \$650,000 IN PAYMENT OF THE COST OR A PART OF THE COST OF PROJECT NO. 990, THEREIN DESCRIBED AND PROVIDING FOR THE ISSUANCE OF TEMPORARY NOTES PENDING THE ISSUANCE OF SUCH BOND," be placed on its passage and considered section by section.

Commissioner Clark seconded the motion.

ROLL CALL

Position No. 1	Commissioner Oral 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

RECEIVING THE BIDS

Mayor Connie Phillips spread the bids for the record.

Engineer’s Estimate	\$ 494,458.89
Central Paving	415,595.42
AC-Kanss, Inc.	420,585.23
Cornejo & Sons	425,303.79
Kansas Paving	444,136.85
Ritchie Paving, Inc.	456,094.77

AWARDING THE CONTRACT

Commissioner Shepherd moved that as Central Paving, Inc. has submitted the lowest and best bid for Project No. 990 and since their bid of \$415,595.42 was below the Engineer's Estimate, the City Manager be directed to award the contract to said Contractor for the construction of said project providing that the company furnishes the proper Bonds.

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

TRANSPORTATION 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 the interest in this plan. The Commission has directed City staff to prepare an application for the construction of the Twenty-fourth Avenue extension for

the City Commission's consideration. The following motion provides for the submission of this application to the State of Kansas, if the Commission desires. KDOT has informed us that the application may be modified regarding scope and location during this process.

Commissioner Fagg moved not to approve the application of construction of a Twenty-fourth Street extension between Oil Hill Road and Main Street to be considered in the Kansas Department of Transportation's 2004-2008 five-year plan.

Commissioner Shepherd seconded the motion.

Discussion:

Mr. Steve Reynolds, 1309 Joyce, appeared requesting that the proposed Twelfth Avenue by-pass be removed from the CIP. He further requested that this issue not be considered again.

City Manager Stewart noted that annually the State requests applications for funds for their five-year plan. If the City submits an application, funds would not be available until 2008. He further noted that the City would not be obligated to the project proposed on the application and it could be changed at a later date.

Commissioner Fagg offered the following regarding this issue. He noted that he had not reviewed any plans for the Twenty-fourth Avenue extension, therefore he did not believe he could approve this until he had reviewed plans. In his opinion an extension, whether Twelfth or Twenty-fourth, was too costly to the taxpayers in a time that the City should be careful with spending. He questioned the traffic counts and the possibility of flooding in the area of Twelfth Avenue and Main Street. Mr. Fagg further noted that since Sixth Avenue will still have the truck traffic, should either proposed extension be completed, he does not believe that enough traffic will be diverted from Sixth Avenue to warrant construction of the extension. Mr. Fagg stated that this is not the correct timing for this project considering all the other projects the City is currently involved with.

Several other residents appeared to express their concerns with the proposed Twelfth Avenue by-pass. They offered the following.

Lou Clennan, 1845 Country Club Road, stated that it is not her concern whether the by-pass is proposed as Twelfth Avenue or Twenty-fourth Avenue just as long as the City still submits an application to the State. She noted that if an application is not submitted it would eventually cost the taxpayers more money to construct the by-pass.

Mr. Eric Taylor, 720 W. Fourteenth Avenue, stated that in his opinion the construction of the by-pass on Twelfth Avenue would not be an improvement to El Dorado since it would be going through his neighborhood.

Ms. Julie Holladay, 702 W. Tenth Avenue, noted that it was her opinion that a Twelfth Avenue by-pass was a dead issue since it was voted against several years ago. She further noted that she did not understand why this issue continues to resurface since it has repeatedly been voted down. Her opinion was that a Twenty-fourth Avenue extension would be more appropriate.

Mr. Russell Pope, 502 W. Twelfth Avenue, stated that in his opinion the City would prefer to receive funds for a Twelfth Avenue extension since this would also include funds for the Ninth Avenue bridge as opposed to the Twenty-fourth extension which does not include funds for the bridge. Mr. Pope believes that Twenty-fourth Avenue extension would be appropriate for the City residents.

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Mr. Jerry Blount, 131 Hillside, stated that in his opinion the Governing Body would want to re-earn the trust of the people regarding the issue of the Twelfth Avenue extension. He did not understand why this issue surfaced again after being informed that it was a “dead issue” at one of the Main Street meetings he attended during the election.

Commissioner Clark questioned whether she could be provided with a guarantee that after this decision, the Twelfth Avenue extension would not resurface, or ever again be considered.

Mayor Phillips explained that the City has the opportunity to submit an application for funds annually, so there is the possibility that this will appear as an agenda item again. She also noted that future commissions are not bound by the decisions the current commission makes, should they decide to make adjustments.

After further discussion, Mayor Phillips requested a roll call.

ROLL CALL

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

Motion passed 3-2.

LONG TERM PLANNING OF TRANSPORTATION

Mr. Stewart requested guidance from the Governing Body in the consideration of traffic flow. He requested that since the City would not be submitting an application to the State, City staff would need specific guidance on the issue of long term planning of transportation.

Commissioner Fagg noted that he would like the opportunity for the Governing Body members to discuss this at a work session and possibly discuss it again in a month. Commissioner Shepherd concurred with this thought process.

DEDICATION OF EASEMENT IN BUSINESS PARK NO. 2

Mayor Phillips stated that Cox Communications has proposed to move their fiber optic lines from the overhead power poles, which are adjacent to the wetland pond in the Business Park. This will require an easement on the north side of the wetland pond parallel to the north property line of the Business Park. This area is not conducive to any future building project since it is in the wetland reserve. The proposed description of the easement will allow for additional utilities in the future.

Commissioner Shepherd moved to authorize the Mayor to sign a right-of-way easement for a section of land in Reserve “D” of the El Dorado Business Park Addition.

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

PAVING OIL HILL ROAD (SIXTH TO HAVERHILL) – COMMITMENT OF CITY FUNDS

Mayor Phillips stated that bids were received at Topeka, Kansas, on April 16, 2003, for the performance of work covered by plans to pave Oil Hill Rd. (Sixth to Haverhill). Central Paving, Inc. was the low bidder. Under a prior agreement between the Kansas Department of Transportation and the City, funds for the project were pledged seventy percent - KDOT (up

to \$250,000) and thirty percent - City. The proposed motion commits the City to the balance of the project.

RESOLUTION NO. 2418 – ORDINANCE NO. S-1159

Commissioner Taylor moved that Resolution No. 2418, a resolution that provides for the commitment of the City’s portion of matching Federal funds are hereby pledged for the construction work and engineering on KDOT Project No. 8 U-1737-01, and that Ordinance No. S-1159, an ordinance authorizing the issuance of bonds in an amount not to exceed \$900,000 for same, be approved.

Commissioner Clark seconded the motion.

ROLL CALL

Position No. 1	Commissioner Oral 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

CAPITAL IMPROVEMENT PLAN – (CIP)

City Manager Stewart stated that as part of the preparation of the 2004 budget, City staff is in the process of preparing and updating the six-year Capital Improvement Plan. He provided a brief overview of the plan. Mr. Stewart noted that a more detailed presentation would occur later in the budget process.

BOARD APPOINTMENTS

CONVENTION AND VISITORS BUREAU

Commissioner Shepherd moved to appoint Bobby Patel and to reappoint Jim Fry, I.C. Patel, Wanda Price, Harold Harmon, Frank Patton, and Becky Matticks to the Convention and Visitors Bureau for a two-year term ending May 1, 2005.

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

EL DORADO INC

Commissioner Taylor moved to appoint Brian Clites, (by Commissioner Taylor); Marty Cornejo, (by Commissioner Clark); Ramon Criss, (by Commissioner Shepherd); to the El Dorado Inc. Board for a one-year term ending May 1, 2004.

Commissioner Clark seconded the motion.

MISCELLANEOUS

WEATHER DAMAGE

City Manager Stewart noted that the City Building Inspector Loren Wranosky is assisting some of the communities in Southeast Kansas with assessing the damage caused by the recent storms.

POLICE CHIEF

Mr. Tom Boren will begin his position as Police Chief for the City of El Dorado on May 19, 2003.

SPRING CLEAN-UP

City Manager Stewart noted the City's Spring Clean-up is complete. The City collected approximately 110 tons of debris in two weeks.

JAZZ FESTIVAL

The Jazz Festival is scheduled for the weekend of May 10, 2003.

SIXTH AND GORDY

The BNSF railroad will be making some repairs on their tracks at Sixth Avenue and Gordy Street next week.

KLINK

City Manager Stewart noted that work would soon begin on West Central. The contractor plans to mill and overlay.

WORK SESSION

A work session is scheduled for Wednesday, May 14, 2003 at 3:00 p.m.

ADJOURNMENT

Interim City Clerk Shaunna Johnson

Mayor Connie Phillips

