

EL DORADO CITY COMMISSION MEETING MINUTES

May 7, 2001

The El Dorado City Commission met in regular session on May 7, 2001 at 7:30 p.m. with the following present: Mayor Connie Phillips, Commissioner Oral Taylor, Commissioner Betty Criss, Commissioner Brian Shepherd, Commissioner Brian L. Clites, City Manager Stan Stewart, City Director of Administration Gus Collins, City Engineer David Wagner, City Clerk Janet L. Arnold, and City Attorney Mike Coash.

VISITORS

Jacqueline Anthony	401 Frazier	El Dorado, Kansas
Loren Anthony	401 Frazier	El Dorado, Kansas
Roger Cutsinger	712 W. 14 th	El Dorado, Kansas
Larry McEachern	1124 W. Towanda	El Dorado, Kansas
Keith Martin	1789 SW Boyer Road	El Dorado, Kansas
Dana and Tessa Underwood	1003 S. Emporia	El Dorado, Kansas
Rachel J. Dill	1902 Belmont	El Dorado, Kansas
Sharon Dickson	203 N. Denver	El Dorado, Kansas
Karen Waring	109 N. Summit	El Dorado, Kansas
Richard Waring	109 N. Summit	El Dorado, Kansas
Helen Wagner	2608 W. Third	El Dorado, Kansas
Kenneth Wagner	2608 W. Third	El Dorado, Kansas
Eldon Phillips	309 Diagonal	El Dorado, Kansas
Faye Wilson	512 W. 12 th	El Dorado, Kansas
Jack Perry	512 Hunton Road	El Dorado, Kansas
Donald L. Richard	2720 W. Third	El Dorado, Kansas
LeRoy Hildreth	601 Village Road	El Dorado, Kansas
Richard Edds	1815 Quail Run	El Dorado, Kansas
Gary Wright	229 N. Washington	El Dorado, Kansas
Barbara Templin	515 N. West	Leon, Kansas
Debby Work	1420 W. Ash	El Dorado, Kansas
Steve, Heath & Hayley Fellers	2034 Chelsea Dr.	El Dorado, Kansas
Dr. Larry Abraham	1770 Country Club Rd.	El Dorado, Kansas
Don Ward	1962 Country Club Rd.	El Dorado, Kansas
Dana McCoy	2180 SW 60 th	El Dorado, Kansas
Rusty Glenn	2325 Gentry Lane	El Dorado, Kansas
Laura Wagner	416 S. Washington	El Dorado, Kansas
Ginger Glenn	2325 Gentry Lane	El Dorado, Kansas
Kenneth W. Green	327 Marmaton	El Dorado, Kansas
Daryl K. Burnham	1012 N. Denver	El Dorado, Kansas
Tom Hartman	1770 Country Club Rd.	El Dorado, Kansas
Jack L. Swafford	1974 Country Club Rd.	El Dorado, Kansas

INVOCATION

Pastor Richard Edds provided the invocation

PLEDGE OF ALLEGIANCE

Washington Elementary School Students, Ali Alfaro, Tessa Underwood, and Hayley Fellers led the audience and Governing Body with the Pledge of Allegiance.

PROCLAMATIONS

El Dorado Elks Lodge Youth Week, Sharon Dickson, Local President

Mr. Roger Cutsinger, 712 W. 14th, appeared before the Governing Body representing the El Dorado Elks Lodge for Youth Week. Mayor Phillips then read the proclamation that declares the week of May 6, 2001 through May 12, 2001 as El Dorado Elks Lodge Youth Week.

National Police Memorial Week

Interim Police Chief Dick Clark appeared before the Governing Body to request that the week of May 15, 2001 through May 19, 2001 be declared as National Police Memorial Week. Mayor Phillips then read the proclamation.

RUSTY GLENN, HIGH SCHOOL MAYOR

Mayor Phillips read the proclamation that declared Rusty Glen, El Dorado High School Mayor for the day.

PERSONAL APPEARANCES

BMX Race Track

Ms. Debby Work, 1420 W. Ash, appeared to thank the Governing Body for the City's participation and also thanked the business owners and city residents that have been involved with the BMX Race Track. She encouraged all city residents to attend the Race for Life that is scheduled for May 20, 2001.

CONSENT AGENDA

- A. Approval of the April 16, 2001 City Commission Minutes.
- B. Approval of the May 2, 2001 Special City Commission Minutes.
- C. Approval of the April 24, 2001 Work Session Minutes.
- D. Approval of the May 2, 2001 Work Session Minutes.
- E. Approval of Appropriation Ordinance No. 04-01 in the amount of \$2,106,630.80.
- F. Approval of the Engineer's Second Pay Estimate dated April 27, 2001 on Project No. 951 Repaving 12th Avenue (Main to East City Limits) to the Contractor, Central Paving, Inc., in the amount of \$87,216.01.
- G. Approval of the Engineer's Third Pay Estimate dated April 27, 2001 on Project No. 908A Waterlines and Sanitary Sewers for the El Dorado Business Park-Phase I to the Contractor, Nowak Construction Co., Inc, in the amount of \$168,927.69.
- H. Approval of the Engineer's First Pay Estimate dated April 27, 2001 on Project No. 908B Storm Sewers for the El Dorado Business Park-Phase I to the Contractor, Middlecreek Mining, Inc, in the amount of \$74,709.79.

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- I. Approval of the Engineer’s First Pay Estimate dated April 27, 2001 on Project No. 948 paving Diagonal Road-Phase I to the Contractor, APAC-Kansas, Inc., in the amount of \$2,785.37.
- J. Approval of the Engineer’s Nineteenth Pay Estimate dated April 27, 2001 on Project No. 840 Bicycle/Pedestrian Path-Phase I to the Contractor, Central Paving, Inc., in the amount of \$4,000.

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

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

MUNICIPAL BAND AGREEMENT

Mr. Gary Wright, 229 N. Washington, appeared before the Governing Body to provide an overview of the bands upcoming activities, noting the Municipal Band has been in existence for 78 years. A representative from the band will appear to update the City Commission on the schedule of events for the 2001 season.

Commissioner Taylor moved to approve the 2001 band agreement.

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

YMCA – ORDINANCE NO. 1111

City Manager Stewart stated that the funding for the construction of the YMCA facility would be provided through Industrial Revenue Bonds. A public hearing must be held followed by the approval of an ordinance. No obligation of the City is involved with this action. A resolution of intent was passed months ago indicating our agreement to allow this type of funding.

PUBLIC HEARING

Mayor Phillips opened the public hearing regarding the construction of the YMCA facility.

With no one appearing before the Governing Body, Mayor Phillips closed the public hearing.

ORDINANCE NO. 1111

Commissioner Criss moved that Ordinance No. S-1111, an ordinance providing for certain financing for the YMCA facility be approved.

Commissioner Clites seconded the motion.

ROLL CALL

Position No. 1	Commissioner Oral Taylor	yes
Position No. 2	Commissioner Betty Criss	yes
Position No. 3	Commissioner Brian Shepherd	yes
Position No. 4	Commissioner Brian L. Clites	yes
	Mayor Connie Phillips	yes

ANNEXATION OF CERTAIN PROPERTY – (TOWNSHIP VILLAGE AREA)

PUBLIC HEARING

Mayor Phillips opened the public hearing regarding the annexation.

Ms. Shaunna Johnson, Planning Director stated that on March 5, 2001 the City Commission Passed Resolution No.2327 establishing a public hearing to consider the annexation of certain territory. This is in the area of Township Village and several smaller areas. A map and the plan for extension were provided for review at the meeting. Ms. Johnson then gave a presentation of the City’s plan for the extension of services.

Mr. Leroy Hildreth, 601 Village Road, appeared to ask the Governing Body questions and express his concerns regarding the proposed annexation. He is against the annexation.

Commissioner Taylor moved that Ordinance No. G-896, “An Ordinance Annexing Land to the City Of El Dorado, Kansas,” be placed on its passage and considered section by section.

Commissioner Clites seconded the motion.

Commissioner Shepherd stated that since the Butler County Commission voted against the annexation, he does not believe the City should be proposing annexation now.

City Manager Stewart noted that the City has considered annexation of this area for approximately 15 years.

Commissioner Clites stated that it was the Butler County Commission’s opinion that this property should be annexed to the City. Their advice was for the City to annex the property using the procedure the City has proposed.

ROLL CALL

Position No. 1	Commissioner Oral Taylor	yes
Position No. 2	Commissioner Betty Criss	yes
Position No. 3	Commissioner Brian Shepherd	no
Position No. 4	Commissioner Brian L. Clites	yes
	Mayor Connie Phillips	yes

Motion carried 4-1.

EASEMENT FOR RIGHT-OF-WAY ALONG THE WEST SIDE OF STONE ROAD, SOUTH OF CENTRAL AVENUE

City Manager Stewart stated that the City and Butler County are joint owners in the State Correctional Facility property along the east side of Stone Road. The County is in the process of building a County Jail south of Central Avenue, across from the State Facility. As part of this project, the county is going to improve Stone Road to the new jail. The County has requested the City to sign a form that would provide a temporary easement for right-of-way for construction purposes and a permanent easement for right-of-way to allow for drainage.

Commissioner Shepherd moved to authorize the Mayor to sign both the Temporary and Permanent Easement forms for Right-of-way on Stone Road.

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

COMPREHENSIVE DEVELOPMENT GRANT

Ms. Shaunna Johnson, Planning Director stated that City Staff has been in the process of preparing a comprehensive development grant application to the Kansas Department of Commerce and Housing to benefit a certain segment in the community. Improvements/benefits will be for residential and commercial properties on South Main Street.

PUBLIC HEARING

Mayor Phillips declared the public hearing open regarding the Comprehensive Development Grant.

With no one appearing before the Governing Body, Mayor Phillips closed the public hearing.

RESOLUTION NO. 2333

Commissioner Criss moved that Resolution No. 2333, a resolution to authorize the Mayor to execute the Grant Application be approved.

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

Commissioner Taylor moved to adopt the Anti-Displacement Plan in this grant.

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

Commissioner Clites moved to certify compliance with the Statement of Assurance included with this grant application.

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

CAPITAL IMPROVEMENT PLAN

City Manager Stewart stated that in conjunction with the preparation of the 2002 budget, City Staff is in the process of preparing and updating the six-year Capital Improvement Plan. He then provided a brief overview of the plan, noting that another more detailed presentation will occur later in the budget process.

STREET POLICY DISCUSSION

Commissioner Taylor requested that discussion be held regarding the policy of widening collector streets when rehabilitation or improvements are being considered. He requested that any street currently classified as an arterial, minor arterial, or collector street be designed and built to a minimum width of 41 feet, back to back of curb. Exceptions to

this width requirement would be in situations where sufficient right-of-way is not available, thus reducing the street width slightly to accompany the existing conditions.

Mr. Jack Swafford, 1974 Country Club Road appeared to question the Governing Body regarding the requested change to the current policy. He noted that he did not want Country Club Road changed to a 41-foot wide street, primarily for safety reasons.

Mr. Tom Hartman, 1770 Country Club Road, addressed the Commission regarding Country Club Road. He also did not want to have the proposed change to the current policy include changing Country Club Road to a 41 foot width.

After further discussion regarding this issue, Commissioner Taylor moved to amend the existing street policy to require that any street classified by the current Comprehensive Plan, or by a similar future plan, or by recommendation of City Staff with concurrence of the City Commission, as an arterial, minor arterial, or collector street, be designed and built to a minimum width of 41 feet, back to back of curb. Costs for any additional width over the normal residential street width of 31 feet, back to back of curb, would be paid by the city-at-large. Exceptions to this would be granted in situations where sufficient right-of-way is not available. In those cases, street width may be reduced slightly to fit existing conditions.

Commissioner Criss seconded the motion and it carried 3-2, Commissioner Clites and Commissioner Shepherd opposed.

Commissioner Taylor then noted that since the Governing Body approved the amendment to the existing street policy, he wished to request that the not yet constructed collector streets, be included in this amendment.

Therefore, Commissioner Taylor moved to apply the new street policy to include Country Club Road.

After considerable discussion regarding the motion, Commissioner Taylor withdrew his motion in order to provide for public informational meetings. These meetings would not only include discussion regarding the policy change but discussion for the possibility of changing Country Club Road to a 41-foot width.

It was agreed that the City would provide the public informational meetings in the near future.

VACATION OF ALLEY NORTH OF LOCUST BETWEEN STAR AND GORDY

City Engineer David Wagner stated that the property owners at 218 W. Locust have ownership on both sides of this alley. They have requested that this alley be vacated so that they may be able to fence in their yard, including the alley. They will be able to construct a fence across the alley if it is vacated. All of the property owners in this block have been notified. None of those property owners have indicated a problem at this time. An easement will still be retained for utilities.

Mr. Wagner noted that all of the public utilities except KGE concur. KGE has a transformer in that section of the alley. They need to have vehicular access to this area without damaging the property owner's yard.

Mayor Phillips requested that when the property owner constructs a fence that they include a gate large enough to allow KGE access.

Commissioner Clites moved that the ordinance to vacate the alley between Star and Gordy Streets be approved with the condition that when a fence is constructed, a gate large enough to allow utility companies access, be included.

Commissioner Shepherd seconded the motion.

ROLL CALL

Position No. 1	Commissioner Oral Taylor	yes
Position No. 2	Commissioner Betty Criss	yes
Position No. 3	Commissioner Brian Shepherd	yes
Position No. 4	Commissioner Brian L. Clites	yes
	Mayor Connie Phillips	yes

BOARD APPOINTMENTS

Mayor Phillips thanked the following individuals for their service on the following boards:

- Airport Advisory Board** – Van Pooler
- Convention & Visitors Bureau** – Connie Phillips
- El Dorado Inc.** – Nick Badwey, Jr., David Greene, Jr., and Scott McEwen
- Library Board** – Roger Bryson and Yvonne Lee
- Recycling Advisory Committee** – Kenna Bruner-Pierce
- Tree Board** – Francis Lawrence

AIRPORT ADVISORY BOARD

Commissioner Clites moved that Kent Kallenberger be re-appointed to the Airport Advisory Board for a three-year term to expire April 1, 2004 and that Jim Stump be appointed to fill the un-expired term to April 1, 2002.

CONVENTION AND VISITORS BUREAU

Commissioner Clites moved that Jim Fry, I.C. Patel, Wanda Price, Harold Harmon, and Frank Patton be re-appointed and Becky Matticks be appointed to the Convention and Visitors Bureau for a two-year term to expire May 1, 2003.

EL DORADO INC.

Commissioner Criss moved to appoint Bob Lane, Commissioner Shepherd moved to appoint David Clymer, Commissioner Clites moved to appoint Steve Funk to El Dorado Inc. for a one-year term to expire May 1, 2002.

LIBRARY BOARD

Commissioner Clites moved that Barbara Russell and Iris Lawrence be appointed to the Library Board for a four-year term to expire May 1, 2005.

REGIONAL ECONOMIC AREA PARTNERSHIP (REAP)

Commissioner Clites moved that Mayor Connie Phillips be appointed and City Manager Stan Stewart be re-appointed to the Regional Economic Area Partnership to represent the City of El Dorado.

RECYCLING ADVISORY COMMITTEE

Commissioner Clites moved that Dr. Greg Joyce re-appointed to the Recycling Advisory Committee for a three-year term to expire May 1, 2004.

TREE BOARD

Commissioner Clites moved that Virgil Grange and Laurel Acklin be re-appointed to the Tree Board for a three-year term to expire April 1, 2004 and that Betty Kirkpatrick be appointed to fill the un-expired term to April 1, 2002.

Commissioner Taylor seconded all of the above appointments and it carried 5-0.

FLOOD PLAIN DAMAGE PROTECTION

This item was tabled until a future City Commission meeting.

MISCELLANEOUS

WORK SESSION

A Work Session was scheduled for May 16, 2001 at 3:00 p.m. in the Conference Room at City Hall.

IUSI – FIVE-YEAR LEASE AGREEMENT

City Manager Stewart stated that the City of El Dorado has signed a 5-year lease agreement with International Utility Structures, Inc. (IUSI) for the facility in the Industrial Park formerly occupied by Cannon Valley Woodwork.

JAZZ FESTIVAL

Commissioner Clites reminded and encouraged all citizens to attend the Jazz Festival scheduled for May 12, 2001.

ADJOURNMENT

Janet L. Arnold, City Clerk

Connie Phillips, Mayor