

EL DORADO CITY COMMISSION MEETING

May 15, 2006

The El Dorado City Commission met in regular session on May 15, 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, Administrative Intern Matt Rehder, Engineer Aide Scott Rickard, City Attorney Michael Coash, and City Clerk Kendra Waite. Absent: City Manager Herbert E. Llewellyn, Jr.

VISITORS

Emma Wilber	530 Meadow	El Dorado, Kansas
Quincy Yeubanks	2310 Bridgette	El Dorado, Kansas
Andrew Shannon	2049 Dragonfly	El Dorado, Kansas
Josh Wolf	1019 Skyview Dr.	El Dorado, Kansas
Kelsie Clennan	1835 Lakeland Dr.	El Dorado, Kansas
Tristen Miles	1225 Glenview Dr.	El Dorado, Kansas
Debra Smith	2430 Weber Ct.	El Dorado, Kansas
David Yearout	1710 Post Ct.	El Dorado, Kansas
Kathryn Hollingsworth	El Dorado Times	El Dorado, Kansas
Jim Gardner	2225 Gentry Ln.	El Dorado, Kansas
Linda Baines	253 Post Rd.	El Dorado, Kansas
Craigery Lorensen	214 W. Olive	El Dorado, Kansas
Brent Miles	1225 Glenview Dr.	El Dorado, Kansas
Steven Shannon	2049 Dragonfly Dr.	El Dorado, Kansas
Gerald Watson	125 N. Summit	El Dorado, Kansas
Nellie & Leonard Smith	601 N. High	El Dorado, Kansas
Don Taylor	2950 W. Fourth	El Dorado, Kansas
Gary Ball	817 W. Fourth	El Dorado, Kansas
Mable Pratt	521 Sharpville Rd.	El Dorado, Kansas
Mary McCoy	336 Simpson Rd.	El Dorado, Kansas
Kelly Clennan	1835 Lakeland Dr.	El Dorado, Kansas
Pat Hicks	1147 S. Arthur	El Dorado, Kansas
Kate Bird	1439 Lawndale	El Dorado, Kansas
Katie Wheeler	1951 Chelsea Dr.	El Dorado, Kansas
Jerry Sullivan	430 S. Walnut	Wichita, Kansas
Gene Herrmann	405 School Rd.	El Dorado, Kansas
Ray Connell	2520 Chase	El Dorado, Kansas
James Hargrove	707 Post Rd.	El Dorado, Kansas
Jack Perry	512 Hunton Rd.	El Dorado, Kansas
Don Adlesperger	1285 S. Topeka	El Dorado, Kansas

CALL TO ORDER

Mayor Brian D. Shepherd called the May 15, 2006, City Commission meeting to order.

INVOCATION

Reverend Garry Wright, Nazarene Church, opened the meeting with prayer.

PLEDGE OF ALLEGIANCE

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

PERSONAL APPEARANCE

Linda Baines, 253 Post Road, updated the Commission on the accomplishments of Main Street.

CONSENT AGENDA

- a) Approval of the May 1, 2006, City Commission minutes.
- b) Approval of May 8, 2006, City Commission Work Session minutes.

Commissioner Steve Pershall noted a correction to the May 1, 2006, minutes related to the adjournment time.

Commissioner Pershall moved that the Consent Agenda, as amended, be approved.

Commissioner Clark seconded the motion.

Motion carried 5-0.

YOUTH COMMISSION ANNUAL REPORT

Mayor Brian Shepherd stated that the Youth Commission was initiated in May 2002 and has completed its fourth year.

Youth Commission members, Kate Bird, 1439 Lawndale, and Katie Wheeler, 1951 Chelsea Drive, updated the Commission on the accomplishments of the Youth Commission.

EIGHTH AVENUE LIFT STATION – CONSULTANT AGREEMENT

Mayor Brian Shepherd stated that the Eight Avenue Lift Station is in need of improvements and repairs. The Eight Avenue pump station receives all the sanitary sewer flows from the Northeast part of El Dorado. During wet weather flow, the existing pump station is not able to discharge the wastewater faster than the incoming flow. The incoming flow fills the lift station and causes flooding in the upstream manholes.

Mayor Shepherd stated the ideas to solve this problem are to upgrade the existing outflow to at least 2,000 gpm. Currently, with all three pumps working together, there is an outflow of 1,250 gpm. Installation of a new 10” force main to work in conjunction with the existing force main is also needed.

Mayor Shepherd stated the City has determined that it would utilize the services of a consultant to perform the design for the project. A Request for Qualifications (RFQ) was sent out, and responses were received from five consultants on March 17, 2006. The selection committee reviewed the proposals and selected Professional Engineering Consultants to perform the design work.

Discussion centered on the needs of the Eight Avenue Lift Station and approving Professional Engineering Consultants as the consultant to perform the design work.

Commissioner Fagg moved to authorize the City Manager to enter into an agreement to provide engineering services relative to improvements at the Eighth Street Lift Station in the amount proposed on the basis of the hourly rates as per Attachment B of the agreement plus reimbursable expenses not to exceed \$25,850.

Commissioner Clark seconded the motion.

Motion carried 5-0.

**SPECIAL USE PERMIT TO ALLOW AN OIL AND GAS SERVICE BUSINESS
(CASE NO. 06-001-SUP)**

Interim Planning/Zoning Director Dave Yearout stated that Dyna-Log, Inc., has requested a Special Use Permit to allow the establishment of an oil and gas service business in an I-1 Light Industrial Zone. The property is located at 1102 North Oil Hill Road. Dyna-Log is a “cased hole” service business according to information provided by the applicant, and they are relocating to El Dorado from a rural property in the Leon area.

Mr. Yearout stated that at the April 27, 2006, Planning Commission meeting, after review of the facts in the case and the information submitted at the public hearing, the Planning Commission approved the Special Use Permit for the establishment of the oil and gas service business by a vote of 5 to 0.

RESOLUTION NO. 2539

Commissioner Pershall moved that the recommendation of the Planning Commission to approve Case No. 06-001-SUP requesting a Special Use Permit to allow the establishment of oil and gas field service business on certain property at 1102 North Oil Hill Road be accepted, and that Resolution No. 2539 be approved.

Commissioner Reynolds 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, and May 1, 2006, City Commission meetings. At the May 1, 2006, meeting the applicant was requested to provide supporting information for the basis of 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.

Mr. Yearout further stated that the supporting information from the appraiser documents the basis for the value reported to be based upon the purchase price of the property and a comparison of the purchase price of this property and of the land included in the Griler Addition. Given the Subdivision Regulations provide no standards for determining the value, the information provided appears to be reasonable. Staff still believes this methodology results in the undervaluing of the payment in lieu of dedication and is not in the long-term best interests of the City as a whole. However, Staff finds the information provided to meet the requirements of the Subdivision Regulations and would recommend the Governing Body approve the plat.

Mr. Yearout stated that the staff recommends the final plat be approved as submitted with the condition that the \$1,080.00 payment in lieu of park land dedication will be paid in full at the time of issuance of the first building permit on any of the lots created and that the developer execute the appropriate petitions for improvement of both School Road and Third Avenue.

There was discussion among the Commissioners regarding the appraisal of the land as it pertains to the payment in lieu of park land and City regulations.

Gary Ball, 817 West Fourth, stated concerns regarding the appraisal of the Prairie Land Addition.

Gene Herrmann, 405 School Road, stated his concerns regarding the oil lines that are on the property.

Ray Connell, 2520 Chase, stated that the developer has met the current requirements, and the plat should be approved.

James Hargrove, 707 Post Road, expressed his concerns regarding development of land that has an existing oil lease.

Commissioner Clark 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 approved, and that the Mayor and City Clerk be authorized to sign the plat following presentation of the signed petitions from the developer for the improvement of School Road and Third Avenue.

Commissioner Pershall seconded the motion.

Motion carried 3-2 (Commissioner Fagg and Mayor Shepherd opposed).

SELECTION AND APPOINTMENT OF VICE-MAYOR

Mayor Brian Shepherd stated that each year a Vice-Mayor is appointed to serve a one-year term beginning in June. A new Vice-Mayor needs to be appointed.

Commissioner Clark moved to appoint Commissioner Pershall as Vice-Mayor for a one-year term.

Commissioner Reynolds seconded the motion.

Motion carried 5-0.

BOARD APPOINTMENTS

Mayor Brian Shepherd stated that the City Commission appoints members to various advisory boards.

JOINT CORRECTIONS ADVISORY BOARD – No Term Limit (3-year term)

Commissioner Pershall moved to reappoint Miles Erpelding to the Joint Corrections Advisory Board for a three-year term to expire May 1, 2009.

Commissioner Reynolds seconded the motion.

Motion carried 5-0.

NEW BUSINESS – DISCUSSION ITEMS

Mayor Brian Shepherd stated these items are for open discussion by the City Commission.

Administrative Intern Matt Rehder noted the following items:

1. Updated the Commission on the Affordable Air Fair Resolution (REAP). This item will be placed on the next City Commission agenda for the Commission's consideration.
2. The quorum ordinance expires on June 15, 2006. Consensus of the Commission was to put this item on the next agenda.
3. Due to recent events at the compost site, Staff suggested several options for the Commission to discuss at the next City Commission meeting. There will be a Recycling Committee meeting at 4:00 p.m. on June 8, 2006.

Commissioner Steve Pershall suggested the Recycling Committee change the meeting to 7:00 p.m.

Jack Perry, 512 Hunton Road, encouraged the Commission to keep the compost site open.

PUBLIC COMMENTS

Mayor Brian Shepherd opened the floor for public comments.

Gene Herrmann, 405 School Road, stated his concerns and the need for property owners in the Prairie Land Addition to be aware of the oil line locations.

Gerald Watson, 125 North Summit, discussed several items related to the airport.

Don Adlesperger, 1285 S. Topeka, suggested a moratorium motion be made on platting until the sub-division regulations can be updated.

David Yearout, 1710 Post Court, recommended a motion including the appropriate information be drafted for the next agenda.

Mayor Shepherd closed the public comments session.

COMMISSION COMMENTS

Mayor Brian Shepherd opened the floor for Commission comments.

City Attorney Michael Coash suggested placing a motion on the next City Commission agenda placing a moratorium on platting until the sub-division regulations can be updated.

Commissioner Steve Pershall stated no decisions have been made to proceed at this time with the proposed sports complex.

Mayor Shepherd closed the Commission Comment session.

CITY MANAGER'S REPORT

Administrative Intern Matt Rehder stated the CIP Administrative Hearing will be held on May 24, 2006, at 4:00 p.m. at City Hall.

Mr. Rehder stated a Special City Commission meeting has been scheduled for May 22, 2006, at 7:00 p.m. to discuss legal matters.

EXECUTIVE SESSION

Mayor Brian Shepherd stated that the Executive Session is related to real estate acquisition.

Commissioner Clark moved to recess into Executive Session for the purpose of discussing acquisition of real estate and non-elected personnel issues and to reconvene the regularly scheduled meeting in the City Commission room at 10:15 p.m.

Commissioner Fagg seconded the motion.

Motion carried 5-0.

Mayor Shepherd reconvened the meeting at 10:16 p.m., stating there were no official decisions made.

ADJOURNMENT

Commissioner Reynolds moved to adjourn the meeting at 10:18 p.m.

Commissioner Clark seconded the motion.

Motion carried 5-0.

City Clerk Kendra Waite

Mayor Brian D. Shepherd