

**EL DORADO CITY COMMISSION MEETING MINUTES**

**MAY 17, 1999**

The El Dorado City Commission met in regular session on May 17, 1999 at 7:30 p.m. with the following present: Mayor Susan J. Seeber, Commissioner Brian L. Clites, Commissioner Betty J. Kirkpatrick, Commissioner Betty Criss, Commissioner Don Storrer, City Manager Stan Stewart, Director of Administration Gus Collins, City Engineer Bruce Remsberg, City Clerk Dee Anne Grunder, City Attorney Mike Coash, City Director of Public Works Don Larson, and City Building Inspector Robert Mendoza.

**VISITORS**

Ann Feil		Salina, Kansas
Dr. Claudia Perez-Tamayo		Salina, Kansas
Luis A. Lopez		Salina, Kansas
Jim Wilson	1704 SW 80 <sup>th</sup> St.	El Dorado, Kansas
Greg Mathias	220 W. Central	El Dorado, Kansas
Kenneth Young		Independence, MO
Ruth Young	715 W. Central	El Dorado, Kansas
Shaunna Johnson	205 W. Sunbarger	Cassoday, Kansas
Mike Boucher	The El Dorado Times	El Dorado, Kansas
Nathan Hiebert	1823 Arlington	El Dorado, Kansas
Marcy Zwall	831 W. Central	El Dorado, Kansas
Sarah Sisson	802 W. Central	El Dorado, Kansas
Nancy Foster	315 W. Cave Springs	El Dorado, Kansas
David Shaw	628 W. 1 <sup>st</sup>	El Dorado, Kansas
Richard Trombla	505 W. Central	El Dorado, Kansas
June Trombla	505 W. Central	El Dorado, Kansas
Brad Snapp	1540 N. Broadway	Wichita, Kansas
Mike Wheeler	226 W. Central	El Dorado, Kansas
Joe Sundgren	218 E. Central	El Dorado, Kansas
Mike Lowery		Benton, Kansas
Jack Greer	626 N. Emporia	El Dorado, Kansas
Patricia R. Greer	626 N. Emporia	El Dorado, Kansas
Emily Mathias	205 S. Star	El Dorado, Kansas

**INVOCATION**

Reverend Stan Seymour provided the invocation.

**PLEDGE OF ALLEGIANCE**

**American Legion – Frank Fowler**

American Legion representative Frank Fowler led the Governing Body and audience in the Pledge of Allegiance.

**PERSONAL APPEARANCE**

**PROCLAMATION – National Public Works Week – Don Larson**

Mr. Don Larson, City Public Works Director, appeared to briefly explain the proclamation. Mayor Seeber then read the proclamation that declares the week of May 16, 1999 as Nation Public Works Week.

**PROCLAMATION – National Dog Bite Prevention Week**

Mayor Seeber read the proclamation that declares the week of May 16 – 22, 1999 as National Dog Bite Prevention Week.

**EHS – Mock Mayoral Election Winner – Nathan Hiebert, 1823 Arlington, EHS Senior**

Mr. Nathan Hiebert, 1823 Arlington, appeared on an invitation from the City of El Dorado. The El Dorado High School seniors participated in a mock mayoral election in which Nathan Hiebert won Mayor. After an introduction from Director of Administration Gus Collins, Nathan explained the process he and his fellow classmates followed during the campaign. Mayor Seeber then invited him to the Mayor’s chair for a picture.

Mrs. Nancy Foster, 315 W. Cave Springs, appeared requesting \$240.00 from the commission to assist in funding two police officers to attend the seniors’ “All Night Party”.

City Manager Stan Stewart mentioned that the off-duty police officers are paid directly by the school district.

Commissioner Kirkpatrick asked Mrs. Foster if they have requested funding from SPICE, MADD, or any other organizations.

Mrs. Foster stated that they have not asked any organizations, but they have contacted the retailers in the city to donate prizes.

Commissioner Kirkpatrick questioned whether the school participates in any of the planning. She also stated that she prefers that the school organizations be contacted for funding first. She then asked City staff if there was youth money available.

City Manager Stan Stewart stated that there is liquor tax money available in the special alcohol fund.

Commissioner Kirkpatrick stated that she feels the youth committee funds would be more applicable for this usage.

Mayor Seeber moved to approve the funding of the \$240.00 through the youth fund if the money is available.

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

**CONSENT AGENDA**

A. Approval of the May 3, 1999 City Commission Minutes.

B. Approval of the May 5, 1999 Work Session Minutes.

Commissioner Kirkpatrick moved the Consent Agenda be approved.

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

**CONSIDER PARTICIPATION IN HOUSING CONSORTIUM**

City Director of Administration Collins stated that a group of governmental agencies has been contemplating participation in a housing consortium.

City Building Inspector Robert Mendoza provided a brief background on how the need for affordable housing, senior housing, and revitalization of poorer neighborhoods had

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led to the creation of the Public Housing Authority. The Central Plains Homes Consortium will bring more opportunities to El Dorado.

Mr. Brad Snapp, representative for the Sedgwick County Housing, stated that currently the only opportunity for funding is through KDOCH. The HOME grant application is an annual competition and is very competitive unless the city is an entitlement entity. The entitlement entities are Wichita, Kansas City, Topeka, Lawrence, and Johnson County. The consortium will be rated on six factors by HUD to determine if there is a need for funding. He stated it is anticipated the consortium may receive funding up to \$800,000. The leading entity will be Sedgwick County. There will be a 25% match required, however, it is not necessarily a cash match. There are a variety of ways to meet the matching requirements. The match is based on the consortium's progress. A match can be waived in the case of a natural disaster. The consortium's goal is to build home ownership opportunities, senior housing, rental rehabilitation, and home owner repairs.

City Manager Stan Stewart commended Mr. Robert Mendoza and stated that participation in a housing consortium is a good idea and it deserves attention.

**Resolution No. 2217**

Commissioner Kirkpatrick moved to approve Resolution #2217 to authorize the City of El Dorado to be a participant in the housing consortium.

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

**SISTER CITY AGREEMENT**

Mr. Ed Blake, 401 N. Orchard, reported on his trip to Beaugency, France and noted that a group from Beaugency plans to come to El Dorado in October. He also explained Sister City arrangements, in reference to groups visiting each place. He noted that the population of Beaugency is approximately 9,000.

Mayor Seeber thanked Mr. Blake on behalf of the Commission for representing the City and also for his work on developing a Sister City.

**Resolution No. 2218**

Commissioner Clites moved to approve Resolution #2218 establishing a Sister City Committee for the purpose of continuing the relationship with Beaugency, France, appointing members thereof and setting their terms of office.

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

**REZONING OF 802 W. CENTRAL**

Commissioner Clites read a statement explaining his relationship with the issue. He stated that he is abstaining from voting and excusing himself from the bench to prevent any appearance that his actions are one-sided due to his relationship with the hospital. He is currently under contract with the hospital to perform part of the work on their expansion.

Commissioner Storrer stated that he is involved in the hospital expansion but that he does not feel that he has a conflict since he is only a subcontractor.

Commissioner Criss clarified that she is a supplier to a contractor working on the hospital expansion, but indicated that she does not have a contract with the hospital.

Mr. Greg Mathias, 202 W. Central, appeared as Susan B. Allen Memorial Hospital's attorney. He stated he wanted to focus on two main issues. The first one is the City's goal and policies that the Commission enacted as it relates to the growth and land use portion of the Comprehensive Plan. He stated there are three goals: encouraging development in an orderly and efficient manner, providing a variety of housing developments, and encouraging the modernization of existing commercial districts. He mentioned that the Commission has stated two ways to achieve the first goal. They are: 1) develop land uses which respond to the needs of El Dorado and insure quality new development, 2) protecting the capacity of Central Street to function as a primary retail commercial strip. Mr. Mathias noted the stated way to achieve the second goal is: Providing a variety of housing choices, by strategically rezoning for higher density housing in the area north of the hospital and in the hospital district by creating a mixed residential and office use zoning program. He noted the stated method to achieve the third goal is: Enhance the capacity of Central Street to function as a primary retail strip in the city. Two of the objectives specifically refer to protecting or enhancing Central Avenue as a retail commercial avenue. Mr. Mathias pointed out that in planning for the future, institutions such as the hospital needed to be able to rely on the information provided by the Comprehensive Plan. They should therefore support the application of the hospital.

The second issue that Mr. Mathias discussed was why the hospital selected that particular property for the new facility. Every cancer patient must go through a CT-scan and some must have rehab, so the proximity to the hospital is important. Additionally, a fiber optic line must be laid from the hospital to the facility. The hospital has contacted the homeowners to the north, south, and east, however, none of them desire to sell their property. The last resort is 802 W. Central. He stated that this is the least obtrusive because there is already a parking lot to the north, and it only affects one family. In closing, he stated that the cancer facility is something that the community needs. He indicated that they could not build in front of the hospital due to the agreement made with Mr. Allen.

Commissioner Kirkpatrick asked why the building on the northeast corner of Atchison and Central was not being used for such. She stated she had understood it was to be demolished, but was not.

Mr. Mathias stated that he could not answer the question as to why it was not demolished, but the structure does not comply with the regulations to build a cancer treatment facility.

Commissioner Criss asked if the building could face another direction with parking on the sides where it may be a little further away from the Johnson's home.

Mr. Mathias stated that due to the setback requirements, the property would not be deep enough for the building.

City Engineer Bruce Remsberg explained the request is for a variance from the standard setbacks, and it affects the east and north sides of the property. In a C-1 district a ten-foot side-yard is required on the west, and that would not be changed by the zoning. The change would be from a twenty-five-foot setback on Topeka to twelve and a half feet and from twenty feet on the north side of the property to ten feet.

Commissioner Kirkpatrick asked if there was any thought given to building on property the hospital already owns, such as the parking lot on the west side of Topeka.

Mr. Mathias stated that there would not be enough parking for the hospital and the cancer facility.

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Commissioner Kirkpatrick commented that there was a new parking lot across the street to the north.

Mr. Mathias indicated that it was a very small parking lot and it would not accommodate what is need for existing parking and an additional twenty spaces will be needed for the cancer facility.

Commissioner Kirkpatrick asked why they couldn't put the parking at 802 W. Central and the cancer facility on the existing parking lot to the north. She commented that this would remove the structure from being next to the Johnson's house.

Mr. Mathias stated that they considered this but it was turned down. He indicated that it was a question of parking and visibility.

Mr. Jim Wilson, 1704 SW 80<sup>th</sup>, stated that placing the facility on the parking lot would commercialize Topeka, and that does not fit in the City's Comprehensive Plan. The chose to commercialize central because it does fit in with the City's Comprehensive Plan.

Mr. Bill Johnson, 812 W. Central, appeared to request that the property not be rezoned as it will commercialize the residential district. He stated that he and his wife traveled to various other facilities, and the only one that has a building separate from the hospital is in Newton. Mr. Johnson also indicated that no other facility was located twenty feet from a residential home. He stated his concern for the neighborhood if the area was rezoned for the new facility.

Mrs. Norma Johnson, 812 W. Central, noted the historical significance of the neighborhood affected by the requested zoning. She noted that the facility did not fit in with the appearance of the neighborhood. She said her daughter contacted City Manager Stan Stewart on March 15, and he told her it was a done deal; however the proposal was not filed until April 1, 1999. She also stated that building the facility at that location will cause the quality of life to decline.

Mr. Norman Manley, attorney for Mr. and Mrs. Johnson stated there is a long list of factors within the zoning regulations, and if the factors are analyzed, they strongly point in favor of leaving the zoning the way it is now. He then stated that if approved, there would be an appeal to District Court which would take from six months to a year. If District Court finds in favor of the project, there will be an appeal to the Court of Appeals and the average turn-around time is approximately two years. He recommended that this be sent back to the Planning Commission with instructions to schedule a meeting with all the parties involved in order to resolve the issue. In addition, he stated there was an acceptable alternative offered by Steve Woods. If the project is approved, it will destroy that neighborhood.

Commissioner Kirkpatrick asked if there would be more governmental funding if the facility is not built on hospital property.

Mr. Mathias answered that the Allen trust prevents the unit from being built on hospital ground. The arrangement made is that the hospital will buy that property and lease it to the doctor with the option to purchase. Mr. Allen purchased the block and restricts other hospitals from coming in. Additionally, the facility cannot be built on the land due to the size. Mr. Mathias stated the facility cannot be built on hospital property, they attempted to locate the facility adjacent to the property. On the block to the east, there is a playground for the middle school, which does not have enough room for the facility; to the north on Topeka and First St. the increase of traffic would create a safety concern for the children walking to and from school.

Commissioner Criss questioned whether the house had any historical significance.

Mr. Mathias explained that the house was built, he thought, in 1910. He explained the house had history, but no historical value.

Commissioner Kirkpatrick stressed the detrimental affects of the hospital offering property owners one hundred and fifty percent of the value of the homes. It causes her and her neighbors' property taxes to rise. She does not want to see the hospital cross Topeka because when they crossed Atchison, they closed the street.

Mayor Seeber stated there are eight items that need to be considered to determine whether the land is appropriate for the proposed zoning changes.

They include:

1. The character of the neighborhood. Mayor Seeber stated that the character is both residential and commercial.
2. The zoning and uses of properties nearby. Mayor stated that this could go either way.
3. The suitability of the subject property for the uses to which it has been restricted. Mayor Seeber stated that the suitability has been restricted as residential up to this point in time, but in the future it is suggested that it become commercial for hospital use.
4. The extent to which removal of the restrictions (or change of zone) will detrimentally affect nearby property.
5. The length of time the property has remained vacant as zoned. Mayor Seeber noted that it has not remained vacant as zoned.
6. The relative gain to the public health, safety, and welfare by not rezoning the property as compared to the hardship imposed on the property owner.
7. The recommendation of staff.
8. Compliance with the Comprehensive Plan.

Mayor Seeber then informed Mrs. Johnson that there was no decision made prior to this date. She then asked Mr. Manley to explain Steve Wood's proposal.

Mr. Manley stated Mr. Wood's proposal was to move Topeka Street to the west, allowing this unit to adjoin SBA property. They could still have parking.

City Engineer Bruce Remsberg explained that the street is thirty-one feet wide. He stated there are other factors that are involved in moving a street, including relocation of a large storm sewer and phone and gas lines.

City Manager Stan Stewart stated that the actions must conform to the Comprehensive Plan and the future land use map. He stressed the importance of the document and indicated that the City Commission's discussions are supposed to be based upon it. He stated that the document is very important and indicated that City staff use it when people come in and talk to them about what is beneficial to the community. He added that Mrs. Johnson's daughter did call a few times and that he did not say it was a done deal. He stated that he was upset with the accusation. She wanted to meet with the Planning Commission, and he told her that he could not do that. He did tell her that based on the facts that they knew, the City staff may recommend in favor.

Commissioner Kirkpatrick stated that when the Planning Commission approved rezoning in the Comprehensive Plan, the area was rezoned because there were areas of Central that wanted rezoned. Spot rezoning was not liked, and the recommendation was made to rezone all of Central. At the time, the hospital and other commercial areas were not in mind.

Mr. Stewart stated that it appeared to be a very conscious decision to include this lot in the proposed commercial area and the Future Land Use Map. The line drawn for office institutional includes this specific lot.

Mayor Seeber asked if the Commission limited permitted uses in the rezoning, would it require returning to the Planning Commission.

City Attorney Mike Coash explained that the Commission would need to look at the applicants and what they want to use the land for, and the Commission can limit the use of the land for a medical treatment facility instead of specifically a radiation treatment facility. They can limit use by general specifications.

City Engineer Remsberg stated he thought the permitted uses could be limited since this is a request for a Planned Development.

City Attorney Coash stated that the application must be acted upon as the applicant has presented it.

**ORDINANCE NO. G-856**

Commissioner Storrer moved to approve Ordinance G-856 to accept the recommendation of Planning Commission, and rezone the area as presented.

Commissioner Criss seconded the motion.

Mayor Seeber reminded the Commission that the decision must be based on the eight factors and feels the positives outweigh the negatives.

Commissioner Criss read a statement in the Comprehensive Plan that states that the decision must be based on the interests of the entire community.

**ROLL CALL**

Mayor Susan J. Seeber	yea
Commissioner Brian L. Clites	abstain
Commissioner Betty Criss	yea
Commissioner Betty J. Kirkpatrick	no
Commissioner Don Storrer	yea

Mayor Seeber stated that the motion to approve G-856 failed, as there must be four votes in favor.

**ZONING CHANGE OF SOUTHWEST CORNER OF TAYLOR AND ADAMS**

City Engineer Bruce Remsberg stated that this involves a zoning change to C-1 in order to construct storage sheds for rental.

Mayor Seeber questioned the eventual proposal for taking Taylor on through to the SW Trafficway.

Mr. Remsberg responded the layout allows for the street to go through, but it is not planned to be done at this time.

**ORDINANCE NO. G-856**

Commissioner Criss moved to approve Ordinance No. G-856 to change the zoning of the southwest corner of Taylor and Adams.

Commissioner Kirkpatrick seconded the motion.

**ROLL CALL**

Mayor Susan J. Seeber	yea
Commissioner Brian L. Clites	yea
Commissioner Betty Criss	yea
Commissioner Betty J. Kirkpatrick	yea
Commissioner Don Storrer	yea

**ZONING CHANGE/SPECIAL USE PERMIT AT 119 JONES**

City Engineer Bruce Remsberg stated that the representative from the requesting parties could not attend. The land is vacant and it is a C-1 general business district. They requested zoning changes to office-institutional which allows them to have the apartment by special use permit. They desire to put a duplex and a single-family unit on the property.

**ORDINANCE NO. G-857**

Commissioner Storrer moved to approve Ordinance No. G-857. (This ordinance changes the zoning of 119 N. Jones from C-1 to O-1.)

Commissioner Clites seconded the motion.

**ROLL CALL**

Mayor Susan J. Seeber	yea
Commissioner Brian L. Clites	yea
Commissioner Betty Criss	yea
Commissioner Betty J. Kirkpatrick	yea
Commissioner Don Storrer	yea

**RESOLUTION NO. 2219**

Commissioner Storrer moved to approve Resolution #2219 granting a special use permit at 119 N. Jones.

Commissioner Kirkpatrick seconded the motion, and it carried 5-0.

**ZONING CHANGE AT 1770 COUNTRY CLUB ROAD**

City Engineer Remsberg noted that the representative was unable to be present to discuss the change. He stated that 1770 Country Club is currently in an R-3 zone, and they desire to have it changed to an R-3-PD district. They desire to change the setback along Country Club Road from twenty-five feet to fifteen feet and also to restrict access to Country Club Road. It was stated at the Planning Commission meeting that the houses are increasing in size but not in number.

Mayor Seeber asked how much closer the west side of the proposed duplex on Country Club Road would be than the west side of the existing south building.

City Engineer Remsberg stated that it would be ten feet closer to the road.

Mayor Seeber asked if there would still be room to construct a sidewalk as it had been previously discussed. Also she asked if the property line is further west than the property line around Troon North.

Mr. Remsberg noted that it was further east.

**ORDINANCE NO. G-858**

Commissioner Kirkpatrick moved to approve Ordinance No. G-858 changing the zoning at 1770 Country Club Road.

Commissioner Criss seconded the motion.

**ROLL CALL**

Mayor Susan J. Seeber	yea
Commissioner Brian L. Clites	yea
Commissioner Betty J. Kirkpatrick	yea
Commissioner Betty Criss	yea
Commissioner Don Storrer	yea

**PLAT OF OUTLAND ADDITION**

City Engineer Remsberg stated that this land is a replat of the Millheisler Addition. It is an existing plot of land where some lots have been combined, and it does away with some street right-of-way and some other utilities.

Commissioner Clites asked Mike Lowery, Benton Kansas, what his planned use of the plot was.

Mr. Lowery stated he plans to construct a family fun center.

Commissioner Clites moved to accept the plat as presented.

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

**BOARD APPOINTMENTS**

**Juvenile Justice Authority**

Commissioner Kirkpatrick moved that Vic Marshall be reappointed to the Juvenile Justice Authority.

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

**El Dorado, Inc.**

Mayor Seeber moved to appoint Nick Badwey Jr., David Green, Terry Clites and Richard Chase to El Dorado, Inc. for a term of one year.

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

**SELECT AND APPROVE A VICE-MAYOR**

Mayor Seeber moved to appoint Betty Kirkpatrick to serve as Vice-Mayor for a term of one year.

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

**MISCELLANEOUS**

**WORK SESSION**

City Manager Stan Stewart stated that there is a change in the Tentative Budget Calendar. The May 27, 1999 work session has been rescheduled for June 1, 1999 at 11:30 am.

**REAP ELECTION**

Jeffery Roberts from Hutchison is the President, Carl Coster from Cheney is Vice-President, and Mike Leady from Winfield is Secretary/Treasurer.

**TORNADO RELIEF**

Two crews from Public Works and Public Utilities have been in Haysville volunteering to help clean up debris resulting from the tornado.

**STORM SIRENS**

City Manager Stan Stewart recognized the opinions of citizens when it came to sounding the storm sirens and noted that during recent storms the crews did not feel the tornado would hit El Dorado and therefore did not sound the sirens. He also commented that in the future when the storms seem threatening, the sirens will sound sooner than in the past.

**SHAUNNA JOHNSON**

City Manager Stan Stewart stated the Commission previously gave authorization to hire a coordinator for planning and zoning. Shaunna Johnson was hired and will take over the Planning Commission.

**JULY FOURTH COMMITTEE**

Mayor Seeber mentioned that the July Fourth Committee is planning an old-fashioned Fourth of July with games, a free swim, and concessions. The committee is looking for volunteers to help.

**MAYOR'S COFFEE**

Mayor Seeber also mentioned the Mayor's Coffee is scheduled for July 17, 1999 at the Senior Center at 8:00 am.

**TELEVISED COMMISSION MEETINGS**

Mayor Seeber stated Commission meetings televised on Wednesday and Thursday evenings will now be aired at 7:30 pm.

**ADJOURNMENT**

Commissioner Criss moved the meeting to adjourn.

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

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Dee Anne Grunder, City Clerk

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Susan J. Seeber, Mayor