

**EL DORADO CITY COMMISSION MEETING MINUTES**

**May 19, 2003**

The El Dorado City Commission met in regular session on May 19, 2003 at 7:30 p.m. 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**

Trish Long	402 S. Atchison	El Dorado, KS
Burt Long	402 S. Atchison	El Dorado, KS
Amanda Long	402 S. Atchison	El Dorado, KS
Vickie and Trilby Wiggins	415 S. Orchard	El Dorado, KS
Eric Bird	1439 Lawndale	El Dorado, KS
David Matthews	109 S. Emporia	El Dorado, KS
Kim Matthews	109 S. Emporia	El Dorado, KS
Charles Green	623 S. Alleghany	El Dorado, KS
Tammy Green	623 S. Alleghany	El Dorado, KS
Susan Howell	902 S. Denver	El Dorado, KS
Lance and Linda Varley	1522 Terrace Drive	El Dorado, KS
Kylie, Kurt, Kacy, & Kutter Bookout	2520 Kacy Court	El Dorado, KS
Nellie Smith	601 N. High	El Dorado, KS
Leonard Smith	601 N. High	El Dorado, KS
Earl and Mary Mays	1006 N. Oak	El Dorado, KS
Verlee Adams	1426 Edgemoor	El Dorado, KS
Faye Wilson	512 W. 12 <sup>th</sup>	El Dorado, KS
Sharon Hays	521 S. Denver	El Dorado, KS
Mike, Deb, and Katie Wheeler	1951 Chelsea Dr.	El Dorado, KS
Jerry Blount	131 Hillside	El Dorado, KS
Teri Blount	131 Hillside	El Dorado, KS
Ray Connell	401 N. Pine	El Dorado, KS
Charlie Connell	401 N. Pine	El Dorado, KS
Jack Swafford	1974 Country Club Rd.	El Dorado, KS
Ashlyn Clites	1305 Glenview Dr.	El Dorado, KS
Chevis Rebstock	2322 Hazlett	El Dorado, KS
Eric Green	623 S. Alleghany	El Dorado, KS
Tasha Brown	810 W. 4 <sup>th</sup>	El Dorado, KS
A.J. Howell	902 S. Denver	El Dorado, KS
Jessie Connell	1009 Skyview	El Dorado, KS
Kate Bird	1439 Lawndale	El Dorado, KS
Aaron Matthews	109 S. Emporia	El Dorado, KS
Chris Megredy	219 S. Taylor	El Dorado, KS
Luke Bryan		El Dorado, KS
Linda Swan	1403 Park Ave.	El Dorado, KS
Nancy Wagner	1025 Rim Rock	El Dorado, KS
Andrew Wagner	1025 Rim Rock	El Dorado, KS
Brian Clites	1305 Glenview Dr.	El Dorado, KS
Diane Rebstock	2322 Hazlett	El Dorado, KS
Matt Wagner	1025 Rim Rock	El Dorado, KS

**INVOCATION**

Pastor Richard Edds provided the invocation.

**PLEDGE OF ALLEGIANCE**

The following students at Washington Elementary School led the Governing Body and the audience with the pledge of allegiance: Erin Connell, James Hays, Jesse Boaldin, and Jean Fry, Counselor

**PERSONAL APPEARANCE**

**Relay for Life**

Ms. Terry Seagrist, 1709 W. Fifth, appeared representing American Cancer Society's Relay for Life and invited Mayor Phillips and the Governing Body to participate in the Relay for Life. Ms. Seagrist noted that it would be held on June 6, 2003 at 7:00 p.m. to 7:00 a.m. at the Galen Blackmore Stadium. She stated that there are 27 teams scheduled to participate with entertainment planned all night.

**CONSENT AGENDA**

- A. Approval of the May 5, 2003, City Commission minutes.
- B. Approval of the May 14, 2003, Work Session minutes.
- C. Approval of a motion to authorize consultant working for the Kansas Department of Health and Environment to drill two groundwater monitoring wells in the public right-of-way at the intersection of Orchard Street and Central Avenue.
- D. Approval of the Engineer's Second and Final Estimate dated May 9, 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 \$57,629.25.
- E. Approval of the Engineer's Second and Final Estimate dated May 11, 2003 on Project No. 995, Paving Adlesperger-Smith Addition Phase II, to the Contractor, Central Paving, Inc., in the amount of \$90,917.60.
- F. Approval of the Engineer's First and Final Pay Estimate dated May 11, 2003 on Project No. 206, Paving Quail Run In Criss Fourth Addition, to the Contractor, Central Paving, Inc., in the amount of \$45,985.85.

Commissioner Fagg moved that the Consent Agenda be approved.

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

**YOUTH COMMISSION**

Mr. Kevin Coash, 2012 Chelsea, representative of the Youth Commission appeared before the Governing Body noting that the Youth Commission was initiated in May 2002 and has completed its first full year. He then thanked all those that were involved with the Commission.

Kevin Coash then introduced Matthew Wagner, Chairperson of the Commission. Certain members of the Youth Commission were available to present a synopsis of their first year activities with the Youth Commission.

Commissioner Shepherd moved to appoint Amanda Ades, Kylie Bookout, Luke Bryan, Eric Green, Amanda Long, Antwan Mays, Katie Wheeler, and Trilby Wiggins and to reappoint Kate Bird, Ashlyn Clites, Kevin Coash, A.J. Howell, Aaron Matthews, Tasha Brown, Chevis Rebstock, and Chris Megredy to the Youth Commission for a one-year term ending May 31, 2004.

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

**RESOLUTION NO. 2419 – ESTABLISHING A PUBLIC HEARING REGARDING 317 WEST OLIVE**

Ms. Krista Clark, 403 S. Star, appeared before the Governing Body to address the condition of the property located at 317 W. Olive. She noted that 17 area property owners have signed a petition requesting that the Governing Body require that the owner of the property located at 317 W. Olive meet the regulations set out in City ordinances regarding the upkeep of property. The petition was filed in December, 2002.

Mr. Jerry Blount, 131 Hillside, owner of the property at 317 W. Olive appeared to request to meet in an executive session with the Governing Body regarding staff issues. In his opinion the situation with his property could have already been resolved if he would have received participation from City staff.

City Manager Stewart then asked Mr. Blount several questions regarding the situation at his property located at 317 W. Olive. Mr. Stewart read a portion of the letter the structural engineer had written that outlined his recommendations for repairs to this property. This letter specifically made reference to the condition of repairs needed for the basement walls. These repairs would not only meet City codes but would again provide a safe structure.

Mr. Blount noted that he had received a copy of the letter. He did not concur with the findings of the structural engineer. In his opinion, repairs could be made to the basement walls that would allow the structure to be safe, without completely removing the existing structure and reconstructing the basement walls. Mr. Blount did not believe he had been treated fairly throughout this procedure by City staff. City Manager Stewart asked Mr. Blount if this was the same structural engineer that he had hired. Mr. Blount agreed that it was the same. Mr. Stewart stated that Mr. Blount has chosen not to proceed with the same engineer.

Commissioner Taylor commended Mr. Blount for his diligence in already completing the repairs for the majority of the items that were noted as violations. Mr. Taylor noted that the structural engineer's letter provided a list of repairs that needed to be made to the basement. He then asked Mr. Blount why he was not willing to complete the repairs to this structure in order to bring it into compliance.

Mr. Blount stated that he had been prepared to make repairs to the structure since February, 2003, but the City would not allow him to do so. He further stated that he was not willing to jack-up the house and tear out the whole basement in order to make repairs two feet on each side of the entryway.

Mayor Phillips and Commissioner Taylor both informed Mr. Blount that the Governing Body's approval of a resolution establishing a public hearing for July 7, 2003 would

provide him the opportunity to address any issues he might have regarding this issue, staff or otherwise.

City Manager Stewart then noted that his position and City staff's position would remain the same, to concur with the structural engineer's findings. It will be the Governing Body's decision, should they allow anything less.

**RESOLUTION NO. 2419**

Commissioner Taylor moved to approve Resolution No. 2419, a resolution establishing a public hearing on July 7, 2003 regarding 317 West Olive/402 South Washington.

Mayor Phillips seconded the motion and it carried 5-0.

**PAVING COUNTRY CLUB ROAD (12<sup>TH</sup> TO MCCOLLUM) - SET A PUBLIC HEARING DATE FOR PROJECT NO. 965**

Mayor Phillips stated that Project No. 965 is complete. The Commission is required to set a hearing date to spread the costs to the properties involved.

**ACCEPTING THE PROJECT AND SETTING ASSESSMENT HEARING DATE FOR PROJECT NO. 965.**

Commissioner Shepherd moved that the City of El Dorado accept the completed work of Project No. 965 by Central Paving, Inc., and that the final cost be determined to be:

Preliminary Estimate	\$1,200,000.00
Final Cost	976,757.55
Unexpended	223,242.46
Improvement District Cost	396,072.17
City at Large Cost	580,685.38

and that a Public Hearing be set by this Commission at 7:30 P.M. on the 16th day of June, 2003, for the purpose of considering the proposed assessments of the cost of said project and that the City Clerk be directed to cause a notice to be published 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 and it carried 5-0.

**SIDEWALK IMPROVEMENTS ON THE 100 BLOCK WEST LOCUST AVENUE – SET A PUBLIC HEARING DATE FOR PROJECT NOS. 992, 993, AND 999**

Project Nos. 992, 993, and 999 are complete. The Commission must set a hearing date to spread the costs to the properties involved.

**ACCEPTING THE PROJECT AND SETTING ASSESSMENT HEARING DATE FOR THESE PROJECTS**

<b>Project No. 992</b>		<b>Project No. 999</b>	
Preliminary Estimate	\$ 4,680.00	Preliminary Estimate	\$2,500.00
Final Cost	4,190.72	Final Cost	1,800.82

Unexpended	489.28	Unexpended	699.18
Imp. Dist. Cost	1,440.00	Imp. Dist. Cost	1,075.00
City at Large Cost	2,750.72	City at Large Cost	725.82

**Project No. 993**

Preliminary Estimate	\$4,140.00
Final Cost	3,733.37
Unexpended	406.63
Imp. Dist. Cost	2,060.00
City at Large Cost	1,673.37

Commissioner Shepherd moved that the City of El Dorado accept the completed work of Project No. 992, 993, and 999 by Demo Construction, and that the final cost for each improvement district be determined to be:

Project No. 992	\$1,440.00
Project No. 993	2,060.00
Project No. 999	1,075.00

and that a Public Hearing be set by this Commission at 7:30 P.M. on the 16th day of June, 2003 for the purpose of considering the proposed assessments of the cost of said projects, and that the City Clerk be directed to cause a notice to be published 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 and it carried 5-0.

**ORDINANCE NO. G-944 - SALE OF FIREWORKS – REVISING ORDINANCE**

Mayor Phillips stated that the current city code provides for the sale of fireworks during the period of June 27 through July 4. It allows for the discharge of fireworks on July 5, but not for the sale of fireworks. City Staff have received a request for the City Commission to allow the sale of fireworks on July 5, 2003. The reason for this request is because July 4, 2003 falls on a Friday. State law does allow for the sale of fireworks on July 5. An ordinance providing for the sale of fireworks is for the Commission’s consideration. This ordinance would be for this year only.

**ORDINANCE NO. G-944**

Commissioner Clark moved that Ordinance No. G-944, an ordinance providing for an amendment to Chapter 9, Section 12.070, of the Municipal Code, providing for the sale of fireworks on July 5, 2003, be approved.

Commissioner Fagg 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

**ORDINANCE NO. S-1160 - PROJECT NO. 980 – PAVING OAK STREET (SIXTH TO SEVENTH)**

Mayor Phillips noted that the City Commission directed that bids be taken on this project. Bids were taken and the low bid was below the Engineers Estimate. The City must acquire property to extend the storm sewer to the project. The property owner is interested in selling the property similar to the value of an easement. Part of the motion allows the Mayor to execute the buyer/seller agreement for the purchase of the right-of-way.

**ORDINANCE NO. S-1160**

Commissioner Taylor moved that Ordinance No. S-1160, an ordinance authorizing the issuance of bonds in an amount not to exceed \$147,000 in payment of the cost or a part of the cost of Project No. 980, and providing for the issuance of temporary notes pending the issuance of such bond, be approved, and that the Mayor be allowed to execute the buyer/seller agreement for the right-of-way acquisition.

Commissioner Shepherd 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	\$ 134,723.60
Central Paving	120,531.32
Kansas Paving	133,662.00
APAC-Kansas, Inc.	140,138.91
Ritchie Paving, Inc.	148,147.06

**AWARDING THE CONTRACT**

Commissioner Fagg moved that as Central Paving, Inc. has submitted the lowest and best bid for Project No. 980 and since their bid of \$120,531.32 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 Clark seconded the motion and it carried 5-0.

**SET A PUBLIC HEARING DATE FOR PROJECT NO. 206 – PAVING QUAIL RUN (CHELLE COURT TO LAKELAND DRIVE)**

**ACCEPTING THE PROJECT AND SETTING ASSESSMENT HEARING DATE**

Commissioner Taylor moved that the City of El Dorado accepts the completed work of Project No. 206 by Central Paving, Inc., and that the final cost be determined to be:

**Project No. 206**

Preliminary Estimate	\$59,000.00
Final Cost	50,556.29
Unexpended	8,443.71
Improvement District Cost	50,556.29
City at Large Cost	0.00

and that a Public Hearing be set by this Commission at 7:30 P.M. on the 16th day of June, 2003 for the purpose of considering the proposed assessments of the cost of said projects, and that the City Clerk be directed to cause a notice to be published in the Official City paper at least once not less than 10 days prior to the date of said meeting.

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

**PUBLIC HEARING – PROJECT NO. 988 – SANITARY SEWERS TO SERVE BANKS WILLHITE FIRST ADDITION AND PROJECT NO. 994 – SANITARY SEWERS TO SERVE ADLESERGER-SMITH ADDITION PHASE II**

Mayor Phillips stated that the City Clerk has published a notice of public hearing, and a statement of the cost proposed to be assessed has been mailed to the owners of property made liable to pay the assessment on Project Nos. 988 and 994.

**ORDINANCE NOS. S-1161 AND S-1162**

Commissioner Taylor moved that the proposed assessments on Project No 988 and on Project No. 994 be approved, and that Ordinance Nos. S-1161 and S-1162, respectively, be adopted.

Commissioner Shepherd 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

**BOARD APPOINTMENTS**

**EL DORADO INC**

Commissioner Fagg moved to appoint Cliff Stone to the El Dorado Inc. Board for a one-year term ending May 1, 2004.

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

**LIBRARY BOARD**

Commissioner Clark moved to appoint Kenna Lou Dice and reappoint Richard B. Miller to the Library Board for a four-year term ending May 1, 2007.

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

**RECYCLING ADVISORY COMMITTEE**

Commissioner Taylor moved to appoint Connie Triana to the Recycling Advisory Committee for a three-year term ending May 1, 2006.

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

**MISCELLANEOUS**

**BUCKLE UP WEEK**

City Manager Stewart noted that City staff is encouraging all residents in El Dorado to “Buckle Up” during National Buckle Up Week.

**RETREAT/WORK SESSION**

A retreat was scheduled for Tuesday evening, May 27, 2003 and Wednesday morning, May 28, 2003. A work session was scheduled to follow.

**ADJOURNMENT**

---

**Interim City Clerk Shaunna Johnson**

---

**Mayor Connie Phillips**