

EL DORADO CITY COMMISSION MEETING

May 19, 2008

The El Dorado City Commission met in regular session on May 19, 2008, at 7:00 p.m. in the Commission Room with the following present: Mayor Tom McKibban, Commissioner Linda Clark, Commissioner David Chapin, Commissioner Steve Reynolds, Commissioner Steve Pershall, City Manager Herbert E. Llewellyn Jr., City Attorney James Murfin, Finance Director Dee Anne Grunder and Assistant City Engineer Scott Rickard. Absent: City Clerk Kendra Porter.

VISITORS

Art Anderson	635 Marmaton Rd.	El Dorado, Kansas
Charlotte Knox	651 Marmaton Rd.	El Dorado, Kansas
Brad & Jennifer Meyer	2012 Chelsea Dr.	El Dorado, Kansas
Dacia & Bill Young	1751 Lakeland	El Dorado, Kansas
Darrin Devinney	2942 W. Third	El Dorado, Kansas
David Greene	250 N.E. 30 th	El Dorado, Kansas
Jim Phillips	216 W. Central	El Dorado, Kansas
Kevin Wishart	125 S. Orchard	El Dorado, Kansas
Kyle McLaren	3096 N.E. Parallel	El Dorado, Kansas
Barb Dankert	1631 Sherry Lee Lane	El Dorado, Kansas
Jim Anderson	2926 W. Third	El Dorado, Kansas
Rick & Cathy Cox	2902 W. Third	El Dorado, Kansas
James Gardner	930 Fairway Ct.	El Dorado, Kansas
Lee Huff	2425 W. Olive	El Dorado, Kansas
Kristin Royse	528 Marmaton Rd.	El Dorado, Kansas
Tom Murry	1650 Jason Dr,	El Dorado, Kansas
James Cook	719 Fredrick Dr.	El Dorado, Kansas
Arnold Starkel	521 Village Rd.	El Dorado, Kansas
Ed Gard	601 N.W. 30 th	El Dorado, Kansas
Don Taylor	2950 W. Fourth	El Dorado, Kansas
Bob Poe	625 School Rd.	El Dorado, Kansas
Tim Gfeller	2926 W. Fourth	El Dorado, Kansas
Doug Adlesperger	2954 W. Third	El Dorado, Kansas
Don Adleesperger	1285 N. Topeka	El Dorado, Kansas
Dick Pennington	635 School Rd.	El Dorado, Kansas
Steve Wilson	2925 W. Fourth	El Dorado, Kansas

CALL TO ORDER

Mayor Tom McKibban called the May 19, 2008, City Commission meeting to order.

INVOCATION

Reverend Brian Johnson, Hope Covenant Church, opened the meeting with prayer.

PLEDGE OF ALLEGIANCE

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

PERSONAL APPEARANCE

Kristin Royse, 528 Marmaton Road, and Lee Huff, 1425 West Olive, with the Youth Commission, presented to Commissioner Steve Pershall a check in the amount of \$257.19 for the Tornado Memorial fund.

PUBLIC COMMENTS

Mayor Tom McKibban opened the floor for public comments.

Tom Murry, 1650 Jason Drive, with Insurance Center Inc., gave an overview of the KMU Program and presented a dividend check in the amount of \$67,901.92 to the City of El Dorado. Mr. Murry stated that the City has earned a dividend in all but three of the last twenty-two years.

Art Anderson, 635 Marmaton Road, suggested that the stoplight at the intersection of Towanda and Haverhill be adjusted to allow motor vehicles more time to proceed through the intersection. Mr. Anderson stated that he feels it is a very dangerous intersection.

Mayor Tom McKibban closed the public comment session.

CONSENT AGENDA

- a) Approval of the May 5, 2008, City Commission minutes.
- b) Approval of the May 12, 2008, Special City Commission minutes.

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

Commissioner David Chapin seconded the motion.

Motion carried 5-0.

SALES TAX TASK FORCE RECOMMENDATION

Mayor Tom McKibban stated that the City Commission appointed an Ad Hoc Committee to review and recommend actions regarding the local one-cent sales tax. The committee is prepared to submit a recommendation for the City Commission's consideration.

Ed Gard, 601 N.W. 30th, Chairman of Sales Tax Task Force, gave a PowerPoint presentation outlining the background of the sales tax. Mr. Gard thanked the committee members and stated that they have been meeting regularly to formulate recommendations. The recommendation is to place the question to renew the local 1% sales tax for an additional five years on the August 5, 2008, primary ballot.

Discussion ensued amongst the commissioners and City Manager Herb Llewellyn regarding the Sales Tax Task Force recommendations.

ORDINANCE NO. S-1294

Commissioner Steve Pershall moved that Ordinance No. S-1294, an ordinance pledging the future use of all the revenue which may be received by a one percent retailer's sales tax levied in the City of El Dorado, Kansas, should the qualified electors of such city vote in favor thereof at a special election to be called for such purpose, be approved.

Commissioner Steve Reynolds seconded the motion.

ROLL CALL

Position No. 1	Commissioner Steve Reynolds	Yes
Position No. 2	Commissioner Linda Clark	Yes
Position No. 3	Commissioner Steve Pershall	Yes
Position No. 4	Commissioner David Chapin	Yes
	Mayor Tom McKibban	Yes

RESOLUTION NO. 2603

Commissioner Steve Reynolds moved that Resolution No. 2603, a resolution to submit to the qualified electors of the City of El Dorado, Kansas, the proposition of levying a retailer’s sales tax effective October 1, 2009, be approved.

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

YOUTH COMMISSION ANNUAL REPORT

The Youth Commission was initiated in May 2002 and has completed its sixth year. Kristin Royse, 528 Marmaton, with the Youth Commission read a prepared statement updating the City Commissioners on the Youth Commission activities for the past year.

SPECIAL USE PERMIT TO ALLOW A DAY CARE CENTER ON PROPERTY LOCATED AT 2012 CHELSEA DRIVE (CASE NO. 08-003-SUP)

City Manager Herb Llewellyn stated that the applicants, Brad and Jennifer Meyer, are requesting a Special Use Permit to allow a Day Care Center at 2012 Chelsea Drive. The property is zoned R-1, Residential-Low Density District. At the April 22, 2008, 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 Day Care Center by a vote of 6 to 0 with 1 abstention.

Discussion ensued amongst the Commissioners and Jennifer Meyer regarding state approval and the parking issues.

ORDINANCE NO. G-1023

Commissioner Linda Clark moved that the recommendation of the Planning Commission to approve Case No. 08-003-SUP requesting a Special Use Permit to allow the establishment of a Day Care Center on property located at 2012 Chelsea Drive be accepted and that Ordinance No. G-1023, be approved.

Commissioner Steve Pershall seconded the motion.

ROLL CALL

	Mayor Tom McKibban	Yes
Position No. 1	Commissioner Steve Reynolds	Yes
Position No. 2	Commissioner Linda Clark	Yes
Position No. 3	Commissioner Steve Pershall	Yes
Position No. 4	Commissioner David Chapin	Yes

SPECIAL USE PERMIT TO ALLOW A DAY CARE HOME ON PROPERTY LOCATED AT 519 SIMPSON ROAD (CASE NO. 08-002-SUP)

City Manager Herb Llewellyn stated that the Applicant, Jenny Rierson, is requesting a Special Use Permit to allow a Day Care Home at 519 Simpson Road. The property is zoned R-1, Residential-Low Density District. At the April 22, 2008 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 Day Care Home by a vote of 6 to 0 with 1 abstention.

ORDINANCE NO. G-1024

Commissioner Linda Clark moved that the recommendation of the Planning Commission to approve Case No. 08-002-SUP requesting a Special Use Permit to allow the establishment of a Day Care Home on property located at 519 Simpson Road be accepted and that Ordinance No. G-1024, be approved.

Commissioner Steve Pershall seconded the motion.

ROLL CALL

Position No. 4	Commissioner David Chapin	Yes
	Mayor Tom McKibban	Yes
Position No. 1	Commissioner Steve Reynolds	Yes
Position No. 2	Commissioner Linda Clark	Yes
Position No. 3	Commissioner Steve Pershall	Yes

PUBLIC HEARING FOR PROJECT NO. 310 – PAVING BOYER ROAD AND SIXTH (CENTRAL TO METCALF)

Assistant City Engineer Scott Rickard stated that the purpose of this agenda item is to hold a public hearing, and then consider authorizing the improvements of paving Boyer Road & Sixth Avenue. Property owners were notified by mail of this meeting. In addition, two publications were placed in the El Dorado Times. Property owners also attended an informational meeting on May 12, 2008, regarding the project.

Property owners will have 20 days after the publication of the resolution authorizing the project to protest. Staff will create a protest petition if an owner wishes to carry the petition.

PUBLIC HEARING

Mayor Tom McKibban opened the floor for public comments.

Darrin Devinney, 2942 West Third, discussed what an Improvement District is and how the benefit of improvement must be a direct correlation to the property itself. Mr. Devinney suggested that the City Commission consider City-at-Large paying a greater percentage of the total project.

Assistant City Engineer Scott Rickard stated that the wording in the ordinance and the resolution is “Improvement District”.

Dick Pennington, 635 School Road, stated that he is in agreement with Mr. Devinney’s statements and is not in favor of paving Boyer Road.

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Don Taylor, 2950 West Fourth, questioned why the residents are required to pay for a road being used by trucks, since the truck traffic is the cause of the deterioration of the road. Mr. Taylor stated that he is not in favor of paving Boyer Road.

Jim Phillips, 216 West Central, stated that he was not in favor of paving Boyer Road due to the increase of the assessments on Phase II of Constant Creek Village along with the other improvement cost.

Charlotte Knox, 651 Marmaton Road, stated that the usage of Boyer Road has increased so much that it is dangerous and feels Boyer Road needs improved.

Steve Wilson, 2925 West Fourth, stated that he feels the City should absorb more of the cost. Mr. Wilson further stated that he is not in favor of paving Boyer Road.

Don Adlesperger, 1285 North Topeka, addressed his concerns regarding the paving of Boyer Road, and feels the City needs to research the flooding issues before proceeding.

Assistant City Engineer Scott Rickard stated that all items were considered when the cost estimates were compiled; culverts are being proposed.

Art Anderson, 635 Marmaton Road, stated he felt that Boyer Road should be treated like North Topeka. Mr. Anderson also addressed his concerns regarding the increase of traffic near the grade school.

Bob Poe, 625 School Road, asked Assistant City Engineer Rickard to confirm what was said in the informational meeting regarding petitioning Boyer Road.

Assistant City Engineer Scott Rickard confirmed that Boyer Road could not be petitioned out.

Bob Poe, 625 School Road, addressed his concerns regarding Boyer Road, and feels that the City-at-Large should pay a higher percentage of the cost. Mr. Poe also addressed issues related to the 2001 annexation.

Rick Cox, 2902 W. Third, addressed his concerns regarding the paving of Boyer Road.

Tim Gfellers, 2926 West Fourth, stated his concerns regarding Boyer Road, and feels that the City-at-Large should pay a higher percentage of the cost.

Doug Adlesperger, 2954 West Third, addressed his concerns regarding Boyer Road, and also feels that the City-at-Large should pay a higher percentage of the cost.

Mayor Tom McKibban closed the public hearing.

Discussion ensued amongst the City Commissioners, Assistant City Engineer Scott Rickard, and City Manager Herb Llewellyn regarding the Boyer Road concerns that were addressed.

RESOLUTION NO. 2604

Commissioner Linda Clark moved that Resolution No. 2604, a resolution determining the advisability of certain internal improvements for the City of El Dorado, Kansas; making certain findings with respect thereto; repealing Resolution No. 2496 and authorizing and providing for the improvements in accordance with such findings, subject to protest (Paving Improvements/Project No. 310), be adopted.

Motion failed for lack of a second.

Mayor Tom McKibban stated that the City Commission will need to decide how to proceed with Boyer Road. Mayor McKibban stated that this issue will be addressed at the next Work Session.

Commissioner David Chapin stated that the policy needs to be addressed regarding improving collector streets.

PROJECT NO. 305 – RESIDENTIAL SIDEWALKS

Assistant City Engineer Scott Rickard stated that bids were received for the residential sidewalk project and the low bid was above the Engineer’s Estimate. Bid packets were sent to nine concrete contractors and Staff only received two bids. Staff feels that there is enough contingency built into the project to cover the amount of Barkley’s bid.

Mayor Tom McKibban asked that the bids be spread on the record.

Engineer’s Estimate	\$27,711.00
Barkley Construction	\$29,700.00
Cornejo & Sons	\$31,407.00

ACCEPTING THE BID

Commissioner Steve Reynolds moved that as Barkley Construction has submitted the lowest and best bid for Project No. 305, the City Manager be directed to award the contract to said contractor providing that the company furnish the proper bonds.

Commissioner Steve Pershall seconded the motion.

Motion carried 4-0-1. (Commissioner David Chapin abstained)

ISSUE TEMPORARY NOTES – PROJECT NO. 266

Assistant City Engineer Scott Rickard stated that staff needs funding for Project No. 266. Staff requests issuing temporary notes in the amount of \$707,000 to finance the project.

RESOLUTION NO. 2605

Commissioner Steve Pershall moved that Resolution No. 2605, a resolution relating to the issuance of Temporary Note No. 1879 for Project No. 266, be adopted.

Commissioner David Chapin seconded the motion.

Motion carried 5-0.

BOARD APPOINTMENT

Mayor Tom McKibban stated that the Board of Code Review needs a member appointed due to the resignation of a current member.

Commissioner David Chapin moved to appoint Red Acklin to the Board of Code Review for a term to expire October 1, 2009.

Commissioner Steve Pershall seconded the motion.

Motion carried 5-0.

NEW BUSINESS – DISCUSSION ITEMS

Mayor Tom McKibban opened the floor for Commissioners' comments.

Commissioner Steve Pershall thanked the audience for everyone's responses on a controversial issue and congratulated the College and High School graduates. Commissioner Pershall also wished City Manager Herb Llewellyn a happy birthday.

Commissioner Steve Reynolds congratulated all graduates and wished City Manager Herb Llewellyn a happy birthday.

Commissioner Linda Clark stated that she has had some complaints regarding overgrown grass on properties.

Mayor Tom McKibban expressed appreciation for the mannerism everyone displayed during Boyer Road discussions. Mayor McKibban also thanked Assistant City Engineer Scott Rickard for a great job under pressure at the informational meeting, and wished City Manager Herb Llewellyn a happy birthday.

Mayor Tom McKibban closed the Commissioners' comments.

CITY MANAGER REPORT

1. City Manager Herb Llewellyn stated that there will be a CIP Administrative Hearing Friday, May 30, 2008 at 4:00 p.m.
2. City Manager Herb Llewellyn stated that the City Commission's public hearing for the CIP will be held Monday, June 2, 2008.
3. City Manager Herb Llewellyn explained the quorum ordinance and asked if the Commission would like to continue with the current ordinance.

Consensus of the Commission was to continue with the current ordinance, and have City Manager Herb Llewellyn draft a new quorum ordinance.

4. City Manager Herb Llewellyn stated that there will not be a quorum at the next Work Session and the City has re-bid the banking agreement which expires June 1, 2008. The next Work Session either needs rescheduled or the Commissioners need to allow Staff to accept the bid.

Consensus of the Commission was to allow Staff to make that decision and report back at the next regular meeting.

5. City Manager Herb Llewellyn stated that the franchise agreement with Cox Communication expired May 16, 2008. The fee is currently set at 3%, and all the other franchise agreements are at 5%. He asked if the Commission would like to change the percentage.

Consensus of the commission was to raise the fee to 5%.

6. City Manager Herb Llewellyn stated that the City has received official notice from the Governor that the City of El Dorado has been awarded a \$400,000 CDBG grant for sewer improvements,

City Manager Herb Llewellyn stated that there has been discussion regarding scorekeeping and umpire training. Citizens have also asked to discuss the possibility of the recreation league becoming more competitive.

Recreation Program Director Kevin Wishart stated that he has visited with the Recreation Advisory Board and the consensus of the Recreation advisory Board was to change the rules for baseball and softball to mirror other cities and to utilize scoreboards and post wins and losses this year.

Discussion ensued amongst the Recreation Program Director and the City Commissioners regarding the Recreation Advisory Board changes.

EXECUTIVE SESSION

Mayor Tom McKibban stated that City Manager Herb Llewellyn will send each Commissioner an e-mail updating the commission, so there will be no need for an Executive Session.

ADJOURNMENT

Commissioner David Chapin moved to adjourn the meeting at 9:25 p.m.

Commissioner Steve Pershall seconded the motion.

Motion carried 5-0.

City Clerk Kendra Porter

Mayor Tom McKibban