

EL DORADO CITY COMMISSION MEETING MINUTES

June 16, 2003

The El Dorado City Commission met in regular session on June 16, 2003. 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

Susan M. Freed	1315 Crescent	El Dorado, Kansas
Leslie Freed	1315 Crescent	El Dorado, Kansas
Julie Jensen	1705 Post Court	El Dorado, Kansas
Samantha Jensen	1705 Post Court	El Dorado, Kansas
Misty Banion	805 Maplewood	El Dorado, Kansas
Kera Bender	P.O. Box 656	El Dorado, Kansas
Caleigh Cost	347 Hillside	El Dorado, Kansas
Brooke Demo	708 Meadow Rd.	El Dorado, Kansas
Verlee Adam	1466 Edgemoor	El Dorado, Kansas
Faye Wilson	512 W. 12 th Ave.	El Dorado, Kansas
Steve Cost	347 Hillside	El Dorado, Kansas
Frank Patton	416 S. Emporia	El Dorado, Kansas
Ed Gard	2325 Wedgewood	El Dorado, Kansas
Neil Buckman	737 Harvard	El Dorado, Kansas
Bruce Harris	4843 SW Country Lane	El Dorado, Kansas
Craigery N. Lorensen	514 W. Olive	El Dorado, Kansas
Lionel Tipton	El Dorado Times	El Dorado, Kansas
Dan Demo	708 Meadow Rd.	El Dorado, Kansas
Joyce Demo	708 Meadow Rd.	El Dorado, Kansas
Brad Smith	El Dorado Fire Dept.	El Dorado, Kansas
Reverend Michael Nolan	302 N. Denver	El Dorado, Kansas
Don Adlesperger	1285 S. Topeka	El Dorado, Kansas
Chester L. McCoy	336 Simpson	El Dorado, Kansas
Andy McElhiney	1302 Joyce	El Dorado, Kansas
Franklin D. Gill	532 N. Atchison	El Dorado, Kansas

INVOCATION

Father Mike Nolan provided the invocation.

PLEDGE OF ALLEGIANCE

Assistant City Manager Gus Collins led the Governing Body and audience with the Pledge of Allegiance.

PROCLAMATIONS

EHS Girls' Track and Field – 2003 State Champions

Mayor Phillips read the proclamation that declares the El Dorado High School Girl's Track and Field Team – 2003 State Champions as Distinguished Citizens of El Dorado.

CONSENT AGENDA

- A. Approval of the June 2, 2003, City Commission minutes.
- B. Approval of the June 4, 2003, Budget Work Session minutes.
- C. Approval of the June 5, 2003, Budget Work Session minutes.
- D. Approval of the June 12, 2003, Work Session minutes.
- E. Approval of the Consultant Non-Federal-Aid agreement for construction services on Oil Hill Road project known as KDOT Project No. 8 U-1737-01.
- F. Approval of the Engineer's Second Pay Estimate dated June 6, 2003, on Project No. 985, resurfacing Central (State to Jones) and Main (Post to McCollum) to the Contractor, Central Paving, Inc., in the amount of \$15,360.00.
- G. Approval of the Engineer's Second and Final Pay Estimate dated June 3, 2003, on Project No. 209, Reconstructing Pavement at the intersection of Haverhill and Towanda to the Contractor, Central Paving, Inc., in the amount of \$5,604.35.
- H. Approval of the Engineer's Second Pay Estimate dated June 6, 2003, on Project No. 944, resurfacing Central (School to State) to the Contractor, Central Paving, Inc., in the amount of \$131,859.66.

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

Commissioner Fagg seconded the motion.

SALES TAX TASK FORCE – RENEWAL OF SALES TAX – RESOLUTION NO. 2421

Mayor Phillips stated that the City Commission appointed an Ad Hoc Committee to review and recommend actions regarding the local one-cent sales tax. The committee has completed their findings and Committee member, Ed Gard appeared before the Governing Body to offer an overview of the sales tax renewal along with the committee's recommendation. Mr. Gard noted that this issue is proposed to be voted on by a mail ballot, the same as in the past. The recommendations were as follows: \$1,050,000 allocated to property tax relief; \$500,000 to street; \$50,000 earmarked for economic development and job creation; with the balance to be used for capital expenditures.

Commissioner Fagg expressed his ideas about the renewal of the sales tax in a prepared statement. He noted that he has always been a proponent of the sales tax and the tax relief it has provided the citizens of El Dorado. Mr. Fagg's primary concern is with the excess funds that were not specifically earmarked for tax relief or street improvements. He does not want any funds to be used for economic development.

Discussion followed with each Commissioner speaking in favor of the sales tax and the tax relief it has provided El Dorado along with improved city streets.

RESOLUTION NO. 2421

Commissioner Taylor moved that Resolution No. 2421, 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, 2004, be approved.

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Commissioner Clark seconded the motion and it carried 4-1, Commissioner Fagg opposed.

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	no
	Mayor Connie Phillips	yes

ORDINANCE NO. S-1163

Commissioner Taylor moved that Ordinance No. S-1163, 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.

Mayor Phillips 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	no
	Mayor Connie Phillips	yes

PLAT OF FINEY/ALFARO ADDITION/VARIANCE

Planning Coordinator, Ms. Shaunna Johnson stated that the Planning Commission reviewed a request to plat the Finney property located along Douglas Road. There are several homes located on one parcel. The Finney’s have requested to divide the homes into individual lots. In order to do so, they were required to plat the area. In addition to this, they needed to request a variance from the yard regulations to allow one of the lots to be 65 feet wide verses 70 feet wide required by the Zoning Regulations. The property is zoned R-1 Single-Family Residential.

Ms. Johnson noted that the Planning Commission reviewed this request at their last meeting. Their only concern was on the existing garage that is shown on the plat as being on two lots. The Planning Commission explained to the applicant that they would either need to divide the two lots differently so that the garage would be located on one lot rather than on two or they would be required to tear the garage down or move it. The applicant indicated that he would tear the garage down. The Planning Commission then recommended approval of this request provided the garage was relocated or torn down.

Commissioner Clark moved to accept the Final Plat of Finney/Alfaro Addition and to approve the variance from the yard regulations for Lot 3 of Finney/Alfaro Addition, subject to the removal of the garage.

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

FIRE SCIENCE INSTRUCTION AGREEMENT

Fire Chief Brad Smith appeared before the Governing Body stating that the El Dorado Fire Department and the Butler County Community College have had a long history of working together in the area of Fire Science Programs. One of the initiatives is the integration of teaching fire science classes in a Fire Department atmosphere and gives the student an opportunity to actually see and feel the equipment in a real life setting. The commission had specific questions regarding the compensation to the instructors. Chief Smith provided clarification on the questions.

Commissioner Shepherd moved to authorize the City Manager to enter into an agreement between the City of El Dorado with the Butler County Community College providing for the instruction of Fire Science classes in City Hall.

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

PROPOSED AMENDMENTS TO THE ZONING REGULATIONS

Mayor Phillips stated that the Planning Commission reviews the Comprehensive Plan, Zoning, and Subdivision Regulations on an annual basis. During this time, the Planning Commission conducts a public hearing to consider any amendments that may be requested. The Planning Commission held the public hearing at their last meeting and had two amendments that they would like the City Commission to consider.

The first proposed amendment dealt with the definition of kennels and the number of animals allowed in a residential district. The Planning Commission has requested to have the definition of kennels and the number of animals allowed in residential districts to be consistent with the recently revised Animal Control Ordinance. The Animal Control Ordinance had limited the number of animals allowed in a residential district to four and eliminating kennel licenses, which allowed a resident to have up to seven animals with a kennel license prior to this change. The Planning Commission is recommending this revision so that it is consistent with the Animal Control Ordinance.

The second proposed amendment dealt with allowing property owners the ability to request a special use permit to allow an accessory structure to be built without a primary structure in a residential district. Our zoning regulations do not allow property owners to build an accessory structure on a vacant residential lot. The Planning Commission is recommending this be amended to allow property owners the ability to request a special use permit from the Planning Commission. This would allow the Planning Commissioners the ability to review these requests on a case by case basis.

Mr. Jerry Demo, appeared before the Governing Body to address the issue of amending the zoning regulations. In his opinion, there was not enough notification to the public regarding the amendments to the zoning regulations with specific changes noted. Mr. Demo stated that the publication should be specific and detailed on possible revisions to the zoning regulations.

City Attorney Mike Coash stated that appropriate notification was given for the public hearing. Guidelines are set out by the State for public notices regarding general amendments. He further noted that the City of El Dorado has followed those guidelines.

Following further discussion, Commissioner Clark moved that this item be tabled until the next regularly scheduled meeting to allow time for further review.

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

PUBLIC HEARING – PROJECT NO. 965 – PAVING COUNTRY CLUB ROAD (12TH TO McCOLLUM)

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 No. 965.

PUBLIC HEARING

Mayor Connie Phillips opened the public hearing.

Commissioner Clark moved that the proposed assessments on Project No 965 be approved, and that Ordinance No. S-1164, be adopted.

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

PUBLIC HEARING – PROJECT NO. 992, 993, AND 999 – SIDEWALK IMPROVEMENTS ON THE 100 BLOCK WEST LOCUST AVENUE

City staff recommended that this item be postponed in order to allow for additional review.

PROJECT NOS. 957 – PAVING VILLAGE (CENTRAL TO THIRD) AND PROJECT NO. 997 – PAVING VILLAGE (THIRD TO SIXTH)

Mayor Phillips stated that the City Commission directed that bids be taken on these two projects. Bids were taken and the low bid was below the Engineer’s Estimate.

ORDINANCE ISSUING BONDS S-1165

Commissioner Taylor moved that Ordinance Nos. S-1165, for Project No. 957 and Project No. 997, "an ordinance authorizing the issuance of bonds, in an amount not to exceed \$800,000, in payment of the cost or a part of the cost of Project Nos. 957 and 997, and providing for the issuance of temporary notes pending the issuance of such bond," be approved.

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	\$659,498.35
Central Paving	504,430.80
APAC-Kansas, Inc.	543,426.63
Ritchie Paving, Inc.	563,361.20
Cornejo & Sons, Inc.	608,223.75

AWARDING THE CONTRACT

Commissioner Taylor moved that as Central Paving, Inc. has submitted the lowest and best bid for the combined Project Nos. 957 and 997 and since their bid of \$504,430.80 was below the Engineer's Estimate, the City Manager be directed to award the contract to said Contractor, providing that the company furnishes the proper Bonds.

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

PUBLIC HEARING – PROJECT NO. 206 – PAVING QUAIL RUN(CHELLE COURT TO LAKELAND DRIVE

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. 206.

PUBLIC HEARING

Mayor Connie Phillips opened the public hearing.

Commissioner Fagg moved that the proposed assessments on Project No 206 be approved, and that Ordinance No. S-1166, 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

CIP – SECOND PUBLIC HEARING

Mayor Phillips noted that this is the second public hearing on the proposed six-year Capital Improvement Plan. The Capital Improvement Plan has been published in the El Dorado Times. The reason for the public hearing and the publication is to provide an opportunity for citizens to comment. The Planning Commission has reviewed and offered comments.

City Manager Stewart stated that there are two additional items to be included in the CIP, the Ninth Avenue Bridge Improvement and the Civic Center – Phase II. The addition of the Ninth Avenue repairs is based on the Commission’s action of not pursuing the Twelfth Street Extension.

PUBLIC HEARING

Mayor Connie Phillips opened the public hearing.

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

WASTEWATER TREATMENT PLANT FUNDING – RESOLUTION

Mayor Phillips noted that the City of El Dorado is in the process of preparing for the construction of a new wastewater treatment plant. Due to the rapid growth and development occurring in El Dorado as well as changes in KDHE’s rules and regulations, the City is now faced with the project of constructing a new treatment facility. Professional Engineering Consultants, of Wichita, have been retained and are in the process of designing the improvements. The City has initiated the first steps in the acquisition of property for this facility. The Commission must now initiate the process of financing the project. The proposed resolution provides for the amount not to exceed \$10,355,000.

RESOLUTION NO. 2422

Commissioner Shepherd moved that Resolution No. 2422, a resolution declaring it necessary to extend, enlarge and improve the sewer system owned and operated by the City of El Dorado, Kansas; to issue revenue bonds, in an amount not to exceed \$10,355,000, for the purpose of paying the costs thereof; and providing for the giving of notice of said intention in the manner required by law, be approved.

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

MISCELLANEOUS

WORK SESSION

A work session was scheduled for Thursday, June 19, 2003 at 4:30 p.m.

RAILROAD LOCATED AT VINE/FOURTH

City Manager Stewart stated that construction is expected to begin on the railroad tracks at Vine and Fourth. Some traffic will need to be rerouted during this construction.

ADJOURNMENT

Interim City Clerk Shaunna Johnson

Mayor Connie Phillips