

**EL DORADO CITY COMMISSION MEETING MINUTES**

**June 18, 2001**

The El Dorado City Commission met in regular session on June 18, 2001. The following were present: Mayor Connie Phillips, Commissioner Oral Taylor, Commissioner Betty Criss, Commissioner Brian Shepherd, Commissioner Brian L. Clites, City Manager Stan Stewart, City Engineer David Wagner, City Clerk Janet L. Arnold, and City Attorney Mike Coash. Assistant City Manager Gus Collins was absent.

**VISITORS**

Skip Leon	121 N. Gordy	El Dorado, Kansas
Harold Haskell	122 Residence	El Dorado, Kansas
Darcy Williams	820 Delmar	El Dorado, Kansas
Cheryl Williams	820 Delmar	El Dorado, Kansas
Larry Abraham	1770 Country Club Road, #9	El Dorado, Kansas
Jack Swafford	1974 Country Club Road	El Dorado, Kansas
Larry Adams		El Dorado, Kansas
Jennifer McAdoo	438 N. Ohio	El Dorado, Kansas
Jane Persons		Towanda, Kansas
Stan Seymour	827 N. Washington	El Dorado, Kansas
Jim Phillips	216 W. Central	El Dorado, Kansas

**INVOCATION**

Pastor Stan Seymour provided the invocation.

**PLEDGE OF ALLEGIANCE**

City Clerk Janet Arnold led the Governing Body and the audience with the pledge of allegiance.

**PERSONAL APPEARANCES**

**Prairie Port – Jim Phillips**

Mr. Jim Phillips appeared before the Governing Body to request the use of the parks for the 2001 El Dorado Prairie Port Festival.

**Richard Wormser**

Mr. Richard Wormser, owner of Silverado Restaurant located at 151 N. Main, presented the Governing Body with pictures of the floodwaters at the intersection of First and Main where his restaurant is located.

Mayor Phillips noted that the City is reviewing this situation and plan to provide the Commission with their findings at the next regularly scheduled City Commission meeting.

**CONSENT AGENDA**

- A. Approval of the June 4, 2001 City Commission Minutes.
- B. Approval of the June 6, 2001 Budget Work Session Minutes.

- C. Approval of the June 7, 2001 Budget Work Session Minutes.
- D. Approval of the June 14, 2001 Work Session Minutes.
- E. Postpone Recycle Center Addition to the July 2 meeting.

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

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

**PAVING COUNTRY CLUB ROAD – 41 FEET WIDE FROM TWELFTH AVENUE TO MCCOLLUM ROAD**

Mayor Phillips stated that the owners of the property in the benefit district, have filed a petition to provide for the paving of Country Club Road, a 41 foot wide street, from Twelfth Avenue to McCollum Road. On June 5, 2000, this Commission authorized and ordered Resolution No. 2286; a 31 foot street. The proposed resolution will repeal Resolution No. 2286 and make the 41 feet street effective.

**RECEIVING THE PETITION**

Commissioner Taylor moved that the petition for the paving of Country Club Road, 41 foot wide street, from Twelfth Avenue to McCollum Road be received and that the City Clerk be instructed to have this petition checked for sufficiency.

Commissioner Clites seconded the motion and it carried 4-0-1, Commissioner Criss abstained.

**SUFFICIENCY OF PETITION**

City Clerk Janet Arnold reported to the Commission that the petition for the paving of Country Club Road, 41 foot wide street, from Twelfth Avenue to McCollum Road, signed by the owners of record, who is owner of 55.42% of the total area in the improvement district, is sufficient.

Commissioner Clites moved that the report of sufficiency be accepted.

Commissioner Taylor seconded the motion and it carried 4-0-1, Commissioner Criss abstained.

Mr. Larry Abraham, 1770 Country Club Road, questioned if the proposed petition provides for the property owners to pay for the 31 feet and the City at Large to pay for the additional 10 feet.

Mayor Phillips stated that the City at Large would be responsible for the additional 10 feet.

Mr. Abraham then stated that in his opinion Commissioner Taylor's participation in the solicitation of signatures for the petition was verging on unethical behavior. He noted that three pieces of the property within the benefit district represented 41% of the total property owned. Therefore only a small amount of the actual property owners signed the petition. He believes that the proposed petition does not actually provide the will of the people.

Mr. Bill Douglas, 1945 Belmont, member of the Planning Commission, stated that the Planning Commission believes that a collector street should be able to carry the traffic. He then noted that throughout all of the discussion regarding this item, the property owners that are against the additional 10 feet have not been able to provide sufficient reasons for their opposition. Mr. Douglas stated that he is ready to have the street completed and in a sufficient manner that will handle the traffic flow.

Commissioner Shepherd stated that his objection is that the City at Large will be responsible for the cost of the additional 10 feet and in his opinion, he doesn't believe that it is necessary.

Mr. Jack Swafford, 1974 Country Club, requested that the City provide the residents within the benefit district a guarantee that Country Club won't become a trafficway in the future.

Mayor Phillips stated that the City would not be able to provide that guarantee.

Mr. Swafford then stated that he also does not believe the proposed petition has the blessing of the benefit district residents. He further noted that he does not believe the City at Large should be responsible for the cost of the additional ten feet of Country Club or any other street in the city.

Mr. Dean Seeber, 720 Meadow Road, expressed his concern regarding the thickness of the street.

Commissioner Taylor noted that the thickness of the street is planned to be the standard nine inches.

**RESOLUTION OF ADVISABILITY/RESOLUTION AUTHORIZING IMPROVEMENT COMBINED NO. 2335**

After further discussion, Commissioner Taylor moved that Resolution No. 2335, a resolution of finding as to advisability and resolution authorizing improvement combined and repealing Resolution No. 2286, be adopted.

Commissioner Clites seconded the motion and it carried 3-1-1, Commissioner Shepherd opposed and Commissioner Criss abstained.

**FLOOD PLAIN DAMAGE PROTECTION – ORDINANCE NO. G-898**

City Engineer David Wagner stated that the City of El Dorado has recently been involved with a restudy of the local floodplains. The revised Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) needs to become effective on June 20, 2001 to update our code and to bring it into full compliance with Code of Federal Regulations -44 CFR 60.3 (d).

Mr. Wagner noted that the City Planning Commission reviewed these changes to our flood plain code at their June 14, 2001 meeting. This ordinance will amend the current municipal code. The changes include revising the floodway map, designates who is to be the local administrator, makes amendments as it relates to manufactured homes and recreational vehicles. This action is required in order for the City to be in compliance with the federal insurance program. If this Commission adopts this resolution the City will be given the opportunity to be given aid in the event of some natural disaster including tornadoes, high winds and flooding. If the Commission desires not to be

included in the flood insurance program than the City is open to all disasters, without any federal aid.

Commissioner Criss moved that Ordinance No. G-898, an ordinance amending El Dorado Municipal Code Section 15.48 relating to flood damage protection, be adopted.

Commissioner Shepherd seconded the motion.

**ROLL CALL**

Position No. 1	Commissioner Oral Taylor	yes
Position No. 2	Commissioner Betty Criss	yes
Position No. 3	Commissioner Brian Shepherd	yes
Position No. 4	Commissioner Brian L. Clites	yes
	Mayor Connie Phillips	yes

The motion carried 5-0.

**OIL HILL SCHOOL ZONE – TOWNSHIP VILLAGE ORDINANCE NO. G-899**

City Engineer Wagner stated that Oil Hill School traffic control is now under the authority of the City of El Dorado. City staff has studied the needs of traffic control and the Oil Hill School officials concur with the outline presented here tonight. All other areas in the newly annexed areas will remain at 30 mph as is standard for residential streets.

Commissioner Clites moved that Ordinance No. G-899, an ordinance amending section El Dorado Municipal Code Section 10.08.130 School Zones and Section 10.08.120 Speed Zones relating to traffic control, be adopted.

Commissioner Criss seconded the motion.

**ROLL CALL**

Position No. 1	Commissioner Oral Taylor	yes
Position No. 2	Commissioner Betty Criss	yes
Position No. 3	Commissioner Brian Shepherd	yes
Position No. 4	Commissioner Brian L. Clites	yes
	Mayor Connie Phillips	yes

The motion carried 5-0.

**SPECIAL USE AND VARIANCE AT 521 WEST THIRD AVENUE**

Ms. Shaunna Johnson, City Planning Coordinator stated that the Planning Commission held a public hearing on Thursday, June 14, 2001, regarding a special use permit and a variance at 521 W 3<sup>rd</sup> Avenue. This property is the old Walter’s Flower Shop, which was recently rezoned from C-1 General Commercial to R-1 Low-Density Residential.

The applicant, Jane Persons, appeared to request a special use permit to use the alley as the only access point to the property and in conjunction with this, requested a 17-foot front yard variance to construct a deck. To prevent Ms. Persons from having to go

through both the special use (done by Planning Commission) and the variance process (done by Board of Zoning Appeals), the City combined them into one. The Planning Commission approved this request.

Commissioner Taylor moved to adopt the recommendation of the Planning Commission to grant the Special Use Permit and Variance for this property and that Resolution No.2336, a resolution setting out the findings of the City of El Dorado in special use/variance Case No. 01-004 be adopted.

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

**SPECIAL USE PERMIT AT 526 N. STAR**

The Planning Commission held a public hearing on Thursday, June 14, 2001, regarding a special use permit at 526 N Star. This property is the old Antioch Market and is zoned C-1 General Commercial. The applicant, Jennifer McAdoo, has requested a special use permit to allow a preschool to be located at this location. The Planning Commission approved this request.

Commissioner Criss moved that Resolution No. 2337, a resolution to approve a special use permit to allow a preschool to be located at 526 N Star, be approved.

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

**BOARD APPOINTMENTS**

**BUTLER COUNTY SOLID WASTE COMMITTEE**

Commissioner Clites moved that Brian Shepherd and the Director of Public Works be appointed as the City of El Dorado's representatives to the Butler County Solid Waste Committee.

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

**RECYCLING ADVISORY COMMITTEE**

Commissioner Criss moved that Bob Poe be appointed to the Recycling Advisory Committee for a three year term to expire May 1, 2004.

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

**ACQUISITION OF OIL LEASE AT NEW BUSINESS PARK**

Mayor Phillips stated that this item is tabled for two weeks.

**MISCELLANEOUS**

**REAP ECONOMIC SUMMIT**

City Manager Stewart stated that the REAP Economic Summit is scheduled for June 21, 2001, 8:00 a.m. to 2:00 p.m.

**BUDGET PROCESS**

City Manager Stewart noted that City staff and commissioners are in the budget process. Public hearings are scheduled for July and August.

**CHAMBER OF COMMERCE EXECUTIVE DIRECTOR**

City Manager Stewart welcomed Mr. Rick Matticks as the new Executive Director for the El Dorado Chamber of Commerce.

**ADJOURNMENT**

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**Janet L. Arnold, City Clerk**

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**Connie Phillips, Mayor**