

EL DORADO CITY COMMISSION MEETING

July 3, 2006

The El Dorado City Commission met in regular session on July 3, 2006, at 7:00 p.m. in the Commission Room with the following present: Mayor Brian D. Shepherd, Commissioner Michael A. Fagg, Commissioner Steve Pershall, Commissioner Steve Reynolds, Commissioner Linda Clark, Engineer Aide Scott Rickard, City Manager Herbert E. Llewellyn Jr., Administrative Intern Matt Rehder, City Clerk Kendra Porter, and City Attorney Michael Coash.

VISITORS

Kenneth Green	327 Marmaton	El Dorado, Kansas
Carl Andrews	1730 Cottonwood Dr.	El Dorado, Kansas
Harold Haskell	122 Residence	El Dorado, Kansas
Gerald Watson	125 N. Summit	El Dorado, Kansas
James Cook	719 Fredrick Dr.	El Dorado, Kansas
Nellie & Leonard Smith	601 N. High	El Dorado, Kansas
R. K. Love	1418 Sunset Rd.	El Dorado, Kansas
Larry Adams	1756 W. Third	El Dorado, Kansas
Mac Hicks	424 Oil Hill Rd.	El Dorado, Kansas
Pat Hicks	1147 S. Arthur	El Dorado, Kansas
Linda Jolly	2100 Pico Ct.	El Dorado, Kansas
Todd & Jo Peterson	1830 Kendrick Ln.	El Dorado, Kansas
Ladislado M. Hernandez	1136 S. Summit	El Dorado, Kansas
Mary McCoy	336 Simpson Rd.	El Dorado, Kansas

CALL TO ORDER

Mayor Brian D. Shepherd called the July 3, 2006, City Commission meeting to order.

INVOCATION

The Reverend Spencer Stewart, New Life Fellowship, opened the meeting with prayer.

PLEDGE OF ALLEGIANCE

Mayor Brian D. Shepherd led the Pledge of Allegiance.

CONSENT AGENDA

- a) Approval of the June 19, 2006, City Commission minutes.
- b) Approval of Appropriation Ordinance No. 06-06 in the amount of \$2,425,945.68.
- c) Approval of the Engineer’s First and Final Pay Estimate dated June 27, 2006 on Project No. 958, 2006 Asphalt Patch (Police Parking Lot) to the Contractor, APAC-Kansas, in the amount of \$13,250.00.
- d) Approval of the Engineer’s Second Pay Estimate dated June 27, 2006 on Project No. 277, 2006 Sales Tax Street (Vine and Locust) to the Contractor, APAC-Kansas, in the amount of \$51,088.82.
- e) Approval of the Engineer’s Third and Final Pay Estimate dated June 27, 2006 on Project No. 274, 2006 Sales Tax Street to the Contractor, APAC-Kansas, in the amount of \$19,379.76.

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- f) Approval of the Engineer's Third and Final Pay Estimate dated June 27, 2006 on Project No. 241, 2006 Sales Tax Sidewalk-Haverhill (Towanda to Central) to the Contractor, Barkley Construction, in the amount of \$3,913.51.
- g) Approval of the Engineer's First and Final Pay Estimate dated June 27, 2006 on Project No. 281, 2006 Residential Sidewalk Project to the Contractor, Barkley Construction, in the amount of \$6,507.08.
- h) Approval of the Engineer's Fourth Pay Estimate dated June 24, 2006 on Project No. 947, Pedestrian/Bicycle Facilities to the Contractor, Cornejo & Sons, in the amount of \$9,196.00.
- i) Approval of the Engineer's Third and Final Pay Estimate dated June 28, 2006 on Project No. 275, El Dorado Plaza Addition-Lot 3 Sewer to the Contractor, Alan's Excavating, in the amount of \$1,558.58.

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

Commissioner Steve Reynolds seconded the motion.

Motion Carried 5-0.

HOME GRANT – 2007 FUNDS APPLICATON

Mayor Brian Shepherd stated that the Kansas Housing Resources Corporation has made another HOME Housing Grant available to municipalities. There is a maximum of \$250,000 available, which is the same amount as the previous HOME Housing Grant El Dorado was awarded in 2004. This grant is the same housing rehabilitation program as the HOME Grant, with new funding. The application is due by August 16, 2006, and Staff is requesting approval by the Governing Body to apply for this grant.

Mayor Shepherd questioned the reason for the difference in grant monies available that is stated on the agenda and the backup documentation provided in the packet.

Administrative Intern Matt Rehder explained the difference is an administrative allowance. He will review the details with the Housing Resources Corporation and apply for \$300,000, if applicable. He also explained the twenty-five percent matching amount required of municipalities applying for the grant, and that amount would be \$62,500 if the grant amount is \$250,000.

Discussion ensued regarding the details of qualifications, type of loan, administration of the loan, and how to budget the matching funds. Commissioner Fagg requested a plan of action before continuing with the grant application. The Housing Rehabilitation and Citizen's Advisory Board established a plan of action with the previous HOME grant.

Commissioner Linda Clark moved to approve and authorize the Mayor to sign the grant application for the confirmed amount that is available to the City.

Commissioner Steve Pershall seconded the motion.

Motion carried 5-0.

SET A HEARING DATE FOR PROJECT NO. 916

Mayor Brian Shepherd stated that Project No. 916 is complete. The City Commission must set a hearing date to spread the costs to the properties involved.

Engineering Aide Scott Rickard requested a hearing date of July 17, at 7:00 p.m. to spread the assessed costs for Project No. 916 – paving Oil Hill Road from Central to Sixth. Mayor Shepherd then stated the costs as they would be spread at the hearing.

Project No. 916 – Paving Oil Hill Rd (Central to Sixth)

Preliminary Estimate	\$1,410,000.00
Final Cost	\$1,351,442.79
Improvement District Cost	\$ 285,794.61
City at Large Cost	\$ 954,919.48
Water Line Relocation	\$ 110,728.69

RESOLUTION NO. 2541

Commissioner Clark moved that Resolution No. 2541, a resolution for Project No.916, providing notice of public hearing by this Commission to be held at 7:00 p.m. on the 17th day of July 2006 for the purpose of considering the proposed assessments of the cost of said project, and direct the City Clerk to publish notice in the official City paper, and further direct individual mailings to each owner liable for the special assessments.

Commissioner Pershall seconded the motion.

Motion carried 5-0.

NEW BUSINESS – DISCUSSION ITEMS

Mayor Brian Shepherd opened the floor for Commission discussion items.

Commissioner Michael A. Fagg asked City Manager Herb Llewellyn the cost of the parking lot repair at the Police Department. City Manager Llewellyn responded that the cost was approximately \$13,000 and requested to discuss this in Executive Session as a legal issue.

Commissioner Fagg questioned the Bike Path Phase II bridge to be located under the current Walnut River Bridge. He expressed concerns that the bridge is in the flood plain. Engineering Aide Scott Rickard explained that the bridge is not out of the 100-year flood plain, but it was designed to be within a certain tolerance of flood waters. The Engineering Department had received permission from the Corps of Engineers to put the bike path bridge in that location. Discussion ensued regarding other bike path concerns.

Mayor Shepherd discussed a letter from a citizen, which expressed concerns regarding the loss of residents and the possible causes.

Mayor Shepherd then closed the new business item discussion.

PUBLIC COMMENTS

Mayor Brian Shepherd opened the floor for public comments.

Ladislado Hernandez, 1136 South Summit, stated he was concerned about an unsigned letter received in the Sales Tax Advisory Committee’s information packet. He

requested the Commission reconsider their policy of accepting unsigned letters. City Manager Herb Llewellyn suggested the Commission make a motion to ignore any type of unsigned correspondence. Discussion ensued regarding the difference of informative versus spiteful unsigned letters.

UNSIGNED CORRESPONDENCE

Commissioner Michael Fagg moved to no longer accept nor disseminate any unsigned, undated correspondence to the City Commission or any City committee.

Commissioner Linda Clark seconded the motion.

Motion carried 4-1. (Mayor Shepherd dissented.)

Harold Haskell, 122 Residence, stated he received the same unsigned letter as a member of the Sales Tax Advisory Committee. He stated his agreement with Mr. Hernandez's concerns.

Mary McCoy, 336 Simpson Road, also expressed her agreement with Mr. Hernandez's concerns.

Mayor Shepherd declared the public comments session closed.

CITY MANAGER'S REPORT

City Manager Herb Llewellyn noted the following:

1. A budget work session is scheduled for July 10, 2006, at 7:00 p.m. in the City Commission room.
2. Mr. Llewellyn stated past practices and requested feedback from the Commission for the budget work session scheduled for July 10 regarding the budget items of COLA, Health Insurance and the CIP. Commissioner Steve Pershall requested information and expressed his thoughts regarding the health insurance. Discussion ensued regarding these three budget items. No decisions were made.

EXECUTIVE SESSION

Mayor Brian Shepherd stated the Executive Session is for the purpose of discussing confidential data relating to financial affairs or trade secrets of second parties, legal and non-elected personnel issues.

Commissioner Linda Clark moved to recess into an Executive Session for the purpose of discussing confidential data relating to financial affairs or trade secrets of second parties, legal and non-elected personnel issues, and to reconvene the regular meeting in the City Commission room at 9:15 p.m.

Commissioner Fagg seconded the motion.

Motion carried 5-0.

Mayor Shepherd re-convened the meeting at 9:15 p.m. and requested a motion to extend the Executive Session. He explained that Commissioner Steve Pershall was still in the other room, but was in agreement with the request for an extension of time.

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Commissioner Clark moved to extend the Executive Session until 9:45 p.m. for the purpose of discussing legal issues.

Commissioner Steve Reynolds seconded the motion.

Motion carried 4-0.

Mayor Shepherd re-convened the meeting at 9:45 p.m. and requested another motion to extend the Executive Session. He explained that Commissioner Steve Pershall again remained in the other room, but was in agreement with the second request for an extension of time.

Commissioner Clark moved to extend the Executive Session until 10:00 p.m. for the purpose of discussing legal issues.

Commissioner Fagg seconded the motion.

Motion carried 4-0.

Mayor Shepherd reconvened the meeting at 10:03 p.m. and stated that no decisions were made.

ADJOURNMENT

Commissioner Pershall moved to adjourn the meeting at 10:05 p.m.

Commissioner Clark seconded the motion.

Motion carried 5-0.

City Clerk Kendra Porter

Mayor Brian D. Shepherd