

EL DORADO CITY COMMISSION MEETING

July 7, 2008

The El Dorado City Commission met in regular session on July 7, 2008, at 7:00 p.m. in the Commission Room with the following present: Mayor Tom McKibban, Commissioner Linda Clark, Commissioner Steve Reynolds, Commissioner Steve Pershall, City Manager Herbert E. Llewellyn, Jr., Assistant City Engineer Scott Rickard, City Clerk Kendra Porter, City Building Inspector Kyle McLaren and City Prosecutor Jim Murfin. Absent: City Commissioner David Chapin and City Attorney Andrew Piekalkiewicz

VISITORS

Kevin Pickrell	704 Maplewood	El Dorado, Kansas
Rick Baker		Haysville, Kansas
Jeffrey Black	1360 Terrace	El Dorado, Kansas
William Caughey	338 Hunton Rd.	El Dorado, Kansas
Sharon Decker	1017 S. Denver	El Dorado, Kansas
Jim Phillips	216 W. Central	El Dorado, Kansas
Audra Kenneson		Wichita, Kansas
Charlene Miller	1122 N.W. 75 th	El Dorado, Kansas
Julie Clements	El Dorado Times	El Dorado, Kansas

CALL TO ORDER

Mayor Tom McKibban called the July 7, 2008, City Commission meeting to order.

INVOCATION

Reverend Bill Caughey, Grace Lutheran Church, opened the meeting with prayer.

PLEDGE OF ALLEGIANCE

Kevin Pickrell, 704 Maplewood, led the Pledge of Allegiance.

PERSONAL APPEARANCE

Kevin Pickrell and Rick Baker with the Kansas Veterans Family Reunion invited everyone to the event scheduled July 17 – 20, 2008, at Veterans Point at the El Dorado State Park. Mr. Pickrell updated the Commissioners on the weekend events.

Jim Phillips, 216 West Central, updated the Commissioners on the events of the upcoming Prairie Port Festival, and thanked the Commissioners, City Staff and all the volunteers in advance that help with the Prairie Port Festival each year.

PUBLIC COMMENTS

Mayor Tom McKibban opened the floor for public comments.

With on one appearing, Mayor Tom McKibban closed the public comment session.

CONSENT AGENDA

- a) Approval of the June 16, 2008, City Commission minutes.
- b) Approval of the June 30, 2008, City Commission minutes.
- c) Approval of Appropriation Ordinance No. 06-08 in the amount of \$2,590,375.70.

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

Commissioner Linda Clark seconded the motion.

Motion carried 4-0.

YOUTH COMMISSION – APPOINTMENT

Mayor Tom McKibban stated that fourteen applicants were appointed to this board at the June 16, 2008, City Commission meeting, which left two appointments open. Another student has applied and passed the application process.

Commissioner Linda Clark moved to appoint Delaney Smith to the Youth Commission for a one-year term ending June 30, 2009.

Commissioner Steve Pershall seconded the motion.

Motion carried 4-0.

RESIDENTIAL STRUCTURES USED EXCLUSIVELY AS CHILD CARE CENTERS

Assistant to the City Manager Matt Rehder stated that at the June 26, 2008, Planning Commission meeting, an application was presented for a Special Use Permit to allow a day care center at 311 S. Orchard. The applicants do not make this address their residence. The sole use of the structure would be as a day care. This is not an allowable use according to the home occupation section in Article 6 of the Zoning Regulations. Article 6 states “No person shall be engaged in such home occupation other than a person occupying such dwelling unit as his residence.”

In researching this application and from statements made at the June 26, 2008, public hearing, there are two similar day cares in town. The two properties are located at 521 North Star and 622 Park Avenue. Staff is seeking direction from the Commission on how to proceed with this matter.

Input was requested from nearby landowners of the properties in question. The response was positive for both. No landowners in the area had any concerns.

Staff’s recommendation is to allow the day care centers to continue operations. In addition, Staff is recommending a letter be sent by the City informing the centers they are considered Nonconforming Uses and cannot transfer operations to a new site without applying for a Special Use Permit. Because the sites will be considered Nonconforming Uses, the rules of Article 9 of the Zoning Regulations will apply.

City Manager Herb Llewellyn explained that this item is to inform the Commissioners of this Zoning Regulation that was not historically enforced.

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Discussion ensued amongst the City Commissioners, City Manager Herb Llewellyn and Assistant to the City Manager Matt Rehder regarding this issue.

Sharon Decker, 1017 S. Denver, stated that she owns the property at 311 South Orchard and is in favor of the daycare in the home. Ms. Decker asked if the other two daycare centers in question will be able to continue to operate.

City Manager Herb Llewellyn stated that the City plans on enforcing it's zoning regulations and the Special Use Permit for 311 South Orchard will be addressed at the July 21, 2008, City Commission meeting.

TRANSIENT VENDOR ORDINANCE AMENDMENT

City Building Official Kyle McLaren stated that the ordinance was created to clarify what is required from transient vendors. It will help ensure the safety of the citizens of El Dorado and help encourage merchants to build permanent buildings for their businesses.

Discussion ensued amongst the Commissioners, City Manager Herb Llewellyn, City Clerk Kendra Porter and City Building Official Kyle McLaren regarding the new regulations for a transient vendor permit and the regulations for a vendor at the Prairie Port Festival.

ORDINANCE NO. G-1026

Commissioner Linda Clark moved that Ordinance No. G-1026, an ordinance of the City of El Dorado amending Title 5, Chapter 5.08 of the El Dorado Municipal Code Relating to Transient Vendors, be approved.

Commissioner Steve Pershall 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	Absent
	Mayor Tom McKibban	Yes

PROJECT NO. 314-KDOT AGREEMENT 216-08

Assistant City Engineer Scott Rickard stated that in order for Project No. 314– Concrete pavement patching on Central (US 254) from School Road to the west City limits to move forward, the agreement between the City and KDOT needs to be signed.

RESOLUTION NO. 2609

Commissioner Steve Pershall moved that Resolution No. 2609, a resolution designating, authorizing and directing the Mayor and City Clerk to execute for and on behalf of the City of El Dorado, Agreement No.216-08 between the City and the Kansas Department of Transportation, for Project No. 314 for Concrete pavement patching on Central (US 254) from School Road to the west City limits, be approved.

Commissioner Steve Reynolds seconded the motion.

Motion carried 4-0.

CDBG SEWER GRANT – APPROVAL OF POLICIES

Assistant City Engineer Scott Rickard stated that during any project which has CDBG participation the following documents are approved to insure that all grant guidelines are being met. Approving these policies now will eliminate the need to adopt them with any future CDBG grants. Four policies are now submitted for the City Commission’s consideration.

The policies are 1) CDBG procurement procedures 2) City purchasing policy for grant related projects 3) Code of ethics 4) Civil rights procedures.

All are required for the City to proceed with the documentation and the approval of the grant agreement with the State of Kansas.

CDBG APPROVAL OF POLICIES

Commissioner Linda Clark moved to authorize the Mayor to execute on behalf of the City of El Dorado the CDBG procurement procedures, City purchasing policy for grant related projects, Code of ethics and the Civil rights procedures.

Commissioner Steve Pershall seconded the motion.

Motion carried 4-0.

PROJECT 308 – SANITARY SEWER-PRAIRIE LAND ESTATES SECOND ADDITION

Assistant City Engineer Scott Rickard stated that bids were received for the sanitary sewer project and the bid was below the Engineer’s Estimate. Bid packets were sent to four contractors and we only received one bid. Two of the contractors indicated they were not available and the other was late to the bid opening.

Mayor asked that the bid be spread for the record.

Engineer’s Estimate	\$127,897.00
Nowak Construction	\$124,501.18

ACCEPTING THE BID

Commissioner Steve Pershall moved that as Nowak Construction has submitted the lowest and best bid for Project No. 308, the City Manager be directed to award the contract to said contractor providing that the company furnish the proper bonds.

Commissioner Linda Clark seconded the motion.

Motion carried 4-0.

STORM WATER ORDINANCE

Assistant City Engineer Scott Rickard stated that Staff is ready to present an ordinance for the creation of the Storm Water Utility. The goal of the storm water utility is that every property in the city limits would be responsible for the cost of maintaining and improving storm water concerns; Either that being through clean water initiatives or construction projects.

In 1972 the federal government passed the Clean Water Act, which established the NPDES (National Pollutant Discharge Elimination System). Further amendments were created in 1987 by the EPA to create a phased approach to regulating storm water under the NPDES. Which leads us to the [Storm water Phase II rule](#) which was published on December 8, 1999, and generally requires operators of small MS4s (municipal separate storm sewer systems) in urbanized areas to develop and implement a storm water management program, which addresses six minimum control measures. The six minimum control measures are as follows.

BMP 1 -[Public Education and Outreach](#)

BMP 2 -[Public Participation/Involvement](#)

BMP 3 -[Illicit Discharge Detection and Elimination Minimum Control](#)

BMP 4 -[Construction Site Runoff Control](#) -

BMP 5 -[Post Construction Runoff Control](#)

BMP 6 -[Pollution Prevention/Good Housekeeping](#)

With the above requirements in mind and no way to fund construction and maintenance projects, it was determined that the City should look into the creation of a storm water utility. The advisory committee was formed and staff held meetings with the committee and recommendations were made to the City Commission. After reviewing a draft ordinance for the creation of the utility, staff proceeded with the collection of data.

City Staff collected data through the year to generate a database of properties and their associated cost to the storm water utility. The first task was to determine the ERU (equivalent residential unit). This was done by sectioning the City into 10-acre grids. Then one residential property was picked at random from that grid and measured to determine its impervious area. After the residential areas were completed, an average was created and then we calculated the ERU to be 2,314 S.F. The drainage fee for nonresidential developed property was calculated by taking the ERU rate multiplied by the numerical factor obtained by dividing the total impervious area of a nonresidential developed property by the number of square feet in one ERU.

Revenues were estimated at \$3.00/month for one ERU. A maximum fee of 30 ERU's was assumed for the revenues.

Discussion ensued amongst the Commissioners, City Manager Herb Llewellyn and Assistant City Engineer Scott Rickard regarding how the ERU was calculated per property.

Jeffrey Black, 1360 Terrace Drive, with the El Dorado Chamber of Commerce discussed his concerns regarding the fee structure and the possible hardship to the small business owners in El Dorado.

Consensus of the Commission was that they realized the expense but felt this was the most reasonable way to accomplish the City's goal.

ORDINANCE NO. G-1027

Commissioner Steve Pershall moved that Ordinance No. G-1027, an ordinance amending Title 13, creating Chapter 13.03 Stormwater service rates and charges of the El Dorado Municipal Code, be approved.

Commissioner Linda Clark 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	Absent

NEW BUSINESS – DISCUSSION ITEMS

Mayor Tom McKibban opened the floor for Commissioners’ comments.

Commissioner Steve Pershall requested that Assistant Public Works Director Brad Meyer and City Manager Herb Llewellyn meet with the City Commissioners during a work session to discuss their views on the County recycling program.

Discussion ensued amongst City Manager Herb Llewellyn and Assistant Public Works Director regarding the funding and fees for the County taking over the recycling program.

Commissioner Linda Clark thanked City employees for a wonderful 4th of July celebration.

Commissioner Linda Clark inquired about the work being done on Eight Street.

Assistant Public Works Director Brad Meyer stated that Eight Street had previously been slurry sealed, which caused a problem when the street was milled.

Commissioner Steve Reynolds also thanked the City employees for a wonderful 4th of July celebration. Commissioner Reynolds commended the Sanitation Department for a job well done getting everyone’s trash picked up before the holiday.

Mayor Tom McKibban read a letter from Sandy Zieman thanking the City for our support of fireworks at the Broncos game.

Mayor Tom McKibban closed the Commissioners’ comments.

CITY MANAGER’S REPORT

1. City Manager Herb Llewellyn reminded everyone to keep all political signs out of the right-of-way.
2. City Manager Llewellyn stated that there are lots of properties with overgrown grass. Staff is working on this issue; however, we are short handed since our Code Enforcement position is vacant.
3. City Manager Llewellyn commended the police and fire department for their enforcement of firework regulations.

Mayor Tom McKibban questioned if court costs had increased.

City Prosecutor Jim Murfin explained that district court costs have increased but municipal fees have not.

ADJOURNMENT

Commissioner Steve Reynolds moved to adjourn the meeting at 8:55 p.m.

Commissioner Linda Clark seconded the motion.

Motion carried 4-0.

City Clerk Kendra Porter

Mayor Tom McKibban