

EL DORADO CITY COMMISSION MEETING MINUTES

July 16, 2001

The El Dorado City Commission met in regular session on July 16, 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, Assistant City Manager Gus Collins, City Engineer David Wagner, City Clerk Janet L. Arnold, City Building Inspector Robert Mendoza, and City Attorney Mike Coash.

VISITORS

Scott Frazier	1122 S. Arthur	El Dorado, Kansas
Lloyd Turner	142 Hillside	El Dorado, Kansas
Deanna Turner	142 Hillside	El Dorado, Kansas
Cassie Warren	3946 SW Haverhill Road	El Dorado, Kansas
R.K. Love	1418 Sunset Road	El Dorado, Kansas
Mike Glendening	801 W. Cave Springs	El Dorado, Kansas
R. Brunell, Jr.	202 Orchard	El Dorado, Kansas
Rod Blackburn	2505 Hazlett	El Dorado, Kansas
Susan G. Howell	902 S. Denver	El Dorado, Kansas
Mary Moon	1410 Hickory Stick	Wichita, Kansas
Cherise Warren	3946 SW Haverhill Road	El Dorado, Kansas

PLEDGE OF ALLEGIANCE

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

PERSONAL APPEARANCES

Mr. Keith Love, 1418 Sunset Road appeared before the Governing Body to express his concerns regarding the City’s refuse collection. He does not believe that he should have to pay for the refuse service.

Commissioner Taylor informed Mr. Love that the City ordinance states that a resident is not obligated to use the City’s refuse service. If a resident chooses to dispose of the trash each week himself, then receipts need to be provided to the City Clerk to prove that he has properly disposed of the trash.

CONSENT AGENDA

- A. Approval of the July 2, 2001 City Commission Minutes.
- B. Approval of the July 11, 2001 Budget Work Session Minutes.
- C. Approval of the Engineer’s Third Pay Estimate dated July 10, 2001 on Project No. 949 paving Fredrick (Towanda to Webb), Webb (Fredrick to Arthur), Leonard Court, Audrey Dr. (Towanda to Webb), Charron (Towanda to Webb), Edgemoore (Towanda to Webb), to the Contractor, Central Paving, Inc., in the amount of \$61,459.35.

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- D. Approval of the Engineer's Final Pay Estimate, dated May 26, 2001, on Project No. 945, Municipal Swimming Pool Improvement Project in the amount of \$13,688.10 to McCollum Construction.

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

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

SPECIAL USE AT 2318 WEST CENTRAL

Planning Coordinator Shaunna Johnson appeared stating that the Planning Commission held a public hearing on Thursday, July 12, 2001, regarding a special use permit at 2318 W. Central for a variance from the sign regulations for an additional sign. The applicant is Butler County Workforce Development Center, which is located in the Bank of America complex. The City's sign regulations allow one ground sign or elevated sign per zoning lot. Any additional sign requires a special use permit. This application was denied by the Planning Commission by an unanimous vote.

Ms. Mary Moon of the Butler County Work Force Development office appeared stating that in order for them to be more effective they need a sign that would be more visible. Ms. Moon noted that she had been in contact with a representative from Bank of America and they were not agreeable to a multi-tenant sign.

Mayor Phillips stated that the Planning Commissioners spent a lot of time developing a fair and equitable sign ordinance and that a special use or a variance of those regulations would be acceptable only in extreme cases. Mayor Phillips then stated that a combination multi-tenant sign would be an agreeable solution. She then urged them to set up a meeting with the property owner and other tenants to discuss their options and to see if a compromise could be made.

Commissioner Taylor moved to adopt the recommendation of the Planning Commission to deny the Special Use Permit for this property.

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

SPECIAL USE PERMIT AT 1122 S. ARTHUR

Mayor Phillips stated that the Planning Commission held a public hearing on Thursday, July 12, 2001, regarding a special use permit at 1122 S Arthur. The applicant, Scott Frazier, requested a special use permit to allow a residential style 1280 sq. ft. accessory structure to be used as a garage. The Planning Commission approved this application in an unanimous vote.

Commissioner Criss moved to adopt the recommendation of the Planning Commission to grant the Special Use Permit and Variance for this property and that Resolution No. 2339, a resolution setting out the findings of the City of El Dorado in Special Use Case No. 01-006 be adopted.

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

SPECIAL USE AND VARIANCE AT 202 N. ORCHARD

Planning Coordinator, Ms. Shaunna Johnson, stated that the Planning Commission held a public hearing on Thursday, July 12, 2001, regarding a special use permit and variance at 202 North Orchard. The applicant, Robert Brunell, has requested a special use permit to

construct a 900 sq. ft. garage and in conjunction with this, has requested a 7-foot side yard variance. To prevent Mr. Brunell from having to go through both the special use (done by the Planning Commission) and the variance process (done by the Board of Zoning Appeals), we are combining the process into one. The Planning Commission recommended that the City Commission approve the granting of this application.

Ms. Shaunna Johnson stated that after much discussion and recalculating his property dimensions and clearing up some confusion on his part of the required setbacks, it was found that the proposed structure could be moved and that only a 3-foot side yard variance would be necessary. The site plan presented by Mr. Brunell shows that his principle structure maintains a 12' side yard setback. This is not uncommon due to the age of the structure. By allowing the 3' side yard variance the proposed structure would be in alignment with the house and would not increase the non-conformity of the house.

It was noted that a letter was received from the Fire Dept. regarding nuisance violations found at this address, such as junk and debris and weeds. The motion was made to include the clean up of this property as a condition of approval. The property owner agreed to all conditions.

RESOLUTION NO. 2340

Commissioner Clites moved to adopt the recommendation of the Planning Commission to grant the Special Use Permit and Variance for this property and that Resolution No. 2340, a resolution setting out the findings of the City of El Dorado in Special Use/Variance Case No. 01-004 be adopted.

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

REZONE AT 104 S. POPLAR

Mayor Phillips stated that the Planning Commission held a public hearing on Thursday, June 14, 2001, regarding the rezoning of 104 South Poplar from R-1 Low-Density Residential to C-1 General Commercial. This is the property directly South of the Daylight Donut Shop. The owner, Lloyd Turner, plans to demolish house that burned and utilize this area for additional parking. The Planning Commission recommended approval of this rezoning.

ORDINANCE NO. G-900

Commissioner Taylor moved that the recommendations of the Planning Commission on rezoning 104 South Poplar be accepted and that Ordinance No. G-900 be approved.

Commissioner Criss seconded the motion.

ROLL CALL

Position No. 1	Commissioner Oral Taylor	yea
Position No. 2	Commissioner Betty Criss	yea

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Position No. 3	Commissioner Brian Shepherd	yea
Position No. 4	Commissioner Brian L. Clites	yea
	Mayor Connie Phillips	yea

The motion carried 5-0.

CONSTRUCTION OF JASON DRIVE IN CRISS SEVENTH ADDITION

City Engineer David Wagner stated that the developer of Criss Seventh has filed a petition to provide for the construction of Jason Drive to serve Lots 1 through 6.

After receiving the petition, verifying the sufficiency of the petition, and passing a resolution of advisability and authorizing improvement, it was discovered that the cost of sidewalks was not included in the cost of construction.

Commissioner Taylor then moved to cancel all items on #6, the construction of Jason Drive in Criss Seventh Addition.

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

VACATION OF EASEMENT FOR O'REILLY AUTO PARTS ON WEST CENTRAL

City Engineer David Wagner reported that O'Reilly Auto Parts is increasing the size of their facility to the north. This requires that a sanitary sewer line be relocated. They will dedicate an easement to avoid their construction, but the City needs to vacate a portion of the existing easement to give them clear ownership where their building will sit. Plans have been submitted for the placement of a new sewer line at their expense. These plans are in compliance with the State standards and meet the City's needs.

ORDINANCE NO. S-114

Commissioner Taylor moved that the Ordinance S-1114 to vacate the west 94.5 feet of an 8 foot easement, east of Eunice and north of Central more specifically described therein be approved.

Commissioner Clites seconded the motion.

ROLL CALL

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

The motion carried.

BOARD APPOINTMENTS

SISTER CITY COMMITTEE

Commissioner Criss moved that Betty Kirkpatrick and Ken Petz be re-appointed to the Sister City Committee for a three year term to expire July 1, 2004.

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

ARTS IN THE PARKS COMMITTEE

Commissioner Clites moved that Don Koke and Roger Lewis be re-appointed to the Arts in the Parks Committee for a three year term to expire August 1, 2004.

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

**STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, EDITION 2001 –
ORDINANCE NO. G-901**

City Attorney Mike Coash stated that this incorporates certain legislative changes in the standard traffic ordinance. The City Commission approves this action annually.

Commissioner Shepherd moved that the recommendation of the Staff be accepted and that Ordinance No. G-901, an ordinance amending Section 10.04.010 of the El Dorado Municipal Code pertaining to traffic and referencing the “Standard Traffic Ordinance for Kansas Cities edition of 2001, be passed and approved.

Commissioner Criss seconded the motion.

ROLL CALL

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

The motion carried.

**INCORPORATING THE UNIFORM PUBLIC OFFENSE CODE, EDITION 2001
ORDINANCE NO. G-902**

Mayor Phillips stated that the 2000 Kansas legislative session provides for certain changes in the Uniform Public Offense Code, the following will incorporate these changes.

ORDINANCE NO. G-902

Commissioner Taylor moved that the recommendation of the Staff be accepted and the Ordinance No. G-902, an ordinance amending Section 9.04.010 of the El Dorado Municipal Code pertaining to public offenses and referencing the “Uniform Public Offense Code” edition of 2001.

Commissioner Criss seconded the motion

ROLL CALL

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

The motion carried.

MISCELLANEOUS

FOURTH OF JULY CELEBRATION

City Manager Stewart noted that the Fourth of July Celebration was again a success. There were approximately 1,000 hot dogs and cans of pop served. Mr. Stewart stated that City staff estimated that 500-600 people attended events in Forrest Park and 1,000 people took advantage of the free admission at the pool.

BUDGET WORK SESSION

A budget work session was scheduled for Friday, July 20, 2001 at 8:00 a.m.

SALES TAX ADVISORY COMMITTEE MEETING

A Sales Tax Advisory Committee Meeting was scheduled for Thursday, July 19, 2001 at 7:00 p.m.

COUNTY COMMISSION

City Manager Stewart noted that he and Mayor Phillips would be attending a meeting on Tuesday, July 17, 2001 regarding the number of Butler County Commissioners.

ADJOURNMENT

Janet L. Arnold, City Clerk

Connie Phillips, Mayor