

**EL DORADO CITY COMMISSION MEETING**

**July 17, 2006**

The El Dorado City Commission met in regular session on July 17, 2006, at 7:00 p.m. in the Commission Room with the following present: Mayor Brian D. Shepherd, Commissioner Linda Clark, Commissioner Michael A. Fagg, Commissioner Steve Pershall, Commissioner Steve Reynolds, City Manager Herbert E. Llewellyn Jr., Administrative Intern Matt Rehder, Engineer Aide Scott Rickard, and City Clerk Kendra Porter. Absent: City Attorney Michael Coash.

**VISITORS**

Reverend Stan Seymour	827 N. Washington	El Dorado, Kansas
Frank Wartick	415 Hillcrest	El Dorado, Kansas
John Mehaffey	319 N. Orchard	El Dorado, Kansas
Harold Haskell	122 Residence	El Dorado, Kansas
Larry Adams	1756 W. Third	El Dorado, Kansas
Mike Glendening	4509 SW. Hwy 196	El Dorado, Kansas
Larry Tong	425 Oil Hill Rd.	El Dorado, Kansas
Mary & Chet McCoy	336 Simpson Rd.	El Dorado, Kansas
Leonard & Nellie Smith	601 N. High	El Dorado, Kansas
Jim Miller	345 Hunton Rd.	El Dorado, Kansas
Richard Burton	3205 S. Haverhill	El Dorado, Kansas
Todd & Jo Peterson	1830 Kendrick Lane	El Dorado, Kansas
Carl Andrews	1730 Cottonwood Dr.	El Dorado, Kansas
Gary Ball	817 W. Fourth	El Dorado, Kansas
Pat McAllister	1944 Belmont	El Dorado, Kansas
Pat Hicks	1147 S. Arthur	El Dorado, Kansas
Tobey Johnson	1230 N. Topeka	El Dorado, Kansas

**CALL TO ORDER**

Mayor Brian D. Shepherd called the July 17, 2006, City Commission meeting to order.

**INVOCATION**

The Reverend Stan Seymour, First Christian Church, opened the meeting with prayer.

**PLEDGE OF ALLEGIANCE**

Mayor Brian Shepherd led the Pledge of Allegiance.

**CONSENT AGENDA**

- a) Approval of the July 3, 2006, City Commission minutes.
- b) Approval of the July 10, 2006, City Commission Work Session minutes.
- c) Approval of the July 12, 2006, City Commission Work Session minutes.

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

Commissioner Steve Pershall seconded the motion.

Motion carried 5-0.

**SALES TAX ADVISORY COMMITTEE – RECOMMENDATION**

Mayor Brian Shepherd stated that the Sales Tax Advisory Committee will appear before the City Commission to submit the Committee’s recommendations on the uncommitted sales tax.

Tobey Johnson, 1230 North Topeka, presented recommendations of unused sales tax monies. Ms. Johnson stated that seven allocation requests were presented at the public hearing held June 26, 2006. Ms. Johnson further stated that the Sales Tax Committee recommends the following:

- 1) Crack Sealer - \$30,000
- 2) City Reclamite Program - \$55,200, (Phase 2 of 3-year project)
- 3) North Main Park Shelter - \$35,000
- 4) Decrease property tax mill levy – 3 mills (\$213,000)

**PUBLIC HEARING**

Mayor Brian Shepherd opened the public hearing.

With no one appearing, Mayor Shepherd declared the public hearing closed.

Commissioner Linda Clark moved to accept for consideration the Sales Tax Advisory Committee’s recommendations on the use of uncommitted sales tax for 2007.

Commissioner Steve Reynolds seconded the motion.

Motion carried 5-0.

Engineering Aide Scott Rickard stated that for the past three years, the City has used \$50,000 of the uncommitted sales tax monies for the completion of sidewalks.

Harold Haskell, 122 Residence, stated that with a vote of 4-3, the Sales Tax Committee rejected this request.

Commissioner Steve Pershall moved to accept for consideration City Staff’s recommendation on the use of \$50,000 of uncommitted sales tax for 2007 for the purpose of sidewalks.

Commissioner Clark seconded the motion.

Motion carried 5-0.

**SET A HEARING DATE FOR PROJECT NOS. 235, 275, AND 281**

Engineer Aide Scott Rickard stated that Project Nos. 235, 275, 281 are complete. The City Commission must set a hearing date to spread the costs to the properties involved.

**Project No. 235 – Paving Fifth Avenue (Houser to Emporia)**

Preliminary Estimate	\$30,000.00
Final Cost	\$26,702.40
Improvement District Cost	\$26,702.40
City-at-Large Cost	\$ 0.00

**Project No. 275 – Sanitary Sewer-Lot 3 El Dorado Plaza Addition**

Preliminary Estimate	\$65,000.00
Final Cost	\$36,371.96
Improvement District Cost	\$36,371.93
City-at-Large Cost	\$ 0.00

**Project No. 281 – 2006 Residential Sidewalks**

Preliminary Estimate	\$10,000.00
Final Cost	\$ 7,177.17
Improvement District Cost	\$ 7,041.99
City-at-Large Cost	\$ 135.19

**RESOLUTION NOS. 2542, 2543, AND 2544**

Commissioner Linda Clark moved that Resolution Nos. 2542, 2543, and 2544, resolutions for Project Nos. 235, 275, 281 respectively, providing notice of public hearing by this Commission to be held at 7:00 p.m. on the 7<sup>th</sup> day of August 2006 for the purpose of considering the proposed assessments of the cost of said project, be approved, 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 Steve Pershall seconded the motion.

Motion carried 5-0.

**PUBLIC HEARING FOR PROJECT NO. 916**

Mayor Brian Shepherd stated that Project No. 916 is complete, and the City Commission established this date to spread the special assessments.

**Project No. 916 – Paving Oil Hill Road (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

**PUBLIC HEARING**

Mayor Brian Shepherd opened the public hearing.

Frank Wartick, 415 Hillcrest, representing the First Southern Baptist Church, stated that he originally understood that this project was going to be assessed for 15 years; however, according to a letter received by the church the assessments would only be for 10 years. Mr. Wartick further questioned the interest rate and the final date for payment.

City Manager Herb Llewellyn stated that the interest rate would not be known until the bonds were sold. Mr. Llewellyn further stated City staff would review why the assessments were changed from 15 years to 10 years.

Commissioner Michael Fagg stated that the due date was 5 p.m., Thursday, August 24, 2006.

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Jim Miller, 345 Hunton Road, questioned the warranty period, stating that the concrete is cracking at the corner of Fourth and Oil Hill Road.

Gary Ball, 817 West Fourth, stated that three different estimates were given and expressed his concerns regarding the increase of the estimates due to grade elevation for drainage on the west side of the 400 block of Oil Hill Road.

Mike Glendening, 4509 S.W. Hwy 196, stated his concerns with the paving of Oil Hill Road.

Engineering Aide Scott Rickard stated the process used to calculate the intersection and the realignment costs of 4<sup>th</sup> Avenue and Oil Hill Road for the City-at-large portion.

Mr. Glendening then stated another concern regarding the extra millings remaining after the project was complete.

Mr. Rickard explained this contract required the contractor dispose of the milling material.

Pat Hicks, 1147 S. Arthur, stated her concerns regarding the extra dirt located at 424 Oil Hill that remained from the Oil Hill paving. She requested it be removed, if it had not been removed already.

Larry Tong, 101 S.W. Haverhill Road, owns the property at 425 Oil Hill Road. Mr. Tong stated his concerns regarding the Oil Hill Road project.

Mayor Shepherd closed the public hearing.

Discussion ensued regarding the length of the loan term, rates of the special assessments, and the specifications of the engineering of this project.

**ORDINANCE NO. S-1267**

Commissioner Steve Pershall moved that Ordinance No. S-1267, an ordinance levying against and providing for the collection of special assessments for Project No. 916, be adopted, with an amendment of payment not to exceed 15 years, and the assessments for the 400 block of Oil Hill Road be subject to further review.

Commissioner Linda Clark seconded the motion.

**ROLL CALL**

Position 1	Commissioner Steve Reynolds	Yes
Position 2	Commissioner Linda Clark	Yes
Position 3	Commissioner Steve Pershall	Yes
Position 4	Commissioner Michael Fagg	Yes
	Mayor Brian Shepherd	Yes

**BOARD APPOINTMENT**

Mayor Brian Shepherd stated the City Commission appoints members to various advisory boards and committees. The Youth Commission requires an additional appointment. Kristin Royse has submitted her application.

Commissioner Steve Reynolds moved to appoint Kristin Royse to the Youth Commission for a term set to expire June 30, 2007.

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Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

**CITY COMMISSION MEETING DATE CHANGE**

Mayor Brian Shepherd stated the next City Commission meeting to fall on a holiday will be the September 4<sup>th</sup> meeting, which is a national holiday. City offices will be closed. The Commission needs to choose another date for the first meeting in September.

Commissioner Steve Pershall moved to change the September 4, 2006, City Commission meeting date due to the Labor Day holiday to Tuesday, September 5, 2006, at 7:00 p.m. in the City Hall Commission Room.

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

**NEW BUSINESS – DISCUSSION ITEMS**

Mayor Brian Shepherd opened the floor for discussion items by the City Commission.

Commissioner Steve Pershall requested citizens and City of El Dorado employees to offer assistance to anyone during the hot weather.

Commissioner Michael Fagg commented on the Kansas Department of Transportation workshop notification. He recommended a Commission member and staff member attend the workshop scheduled for August 2, 2006, in Hutchinson, Kansas.

Commissioner Fagg stated his appreciation of receiving the HUD program information. He also commented on the Home Investment Partnership Program data. Discussion ensued regarding the HOME Rehabilitation program in El Dorado.

Commissioner Steve Reynolds stated there was an opening on the Planning Commission due to the resignation of a member. He requested the public to submit their application should they desire to be considered for the Planning Commission.

Mayor Shepherd discussed the fire station location memorandum.

Commissioner Fagg discussed his concerns regarding the insurance timeline provided by the City Manager.

Mayor Shepherd closed the discussion item section.

**PUBLIC COMMENTS**

Mayor Brian Shepherd opened the floor for public comments.

Nellie Smith, 801 N. High, stated her concerns regarding her request for the Airport waiting list.

Harold Haskell, 122 N. Residence, read the anonymous letter received by the Sales Tax Advisory Committee.

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Larry Adams, 1756 W. Third, stated his appreciation to the City Manager and the Sales Tax Advisory Committee for their decision to include the crack sealer in next year's budget. He also stated the sidewalks on West Third need repair.

Jim Miller, 345 Hunton Road, stated his concerns with the recent vandalism at the lake. He discussed his unpleasant experiences with HUD.

Pat McAllister, 1944 Belmont, stated his concerns regarding the City's fireworks ordinance and the effect on the local animal population. He requested an explanation regarding the budget discussion of the Ninth Avenue bridge repairs.

Mayor Shepherd explained the decision for the Ninth Avenue Bridge repairs.

Mr. McAllister stated his frustrations with the school zone on Sixth Avenue.

Mayor Shepherd declared the public comments session closed.

**EXECUTIVE SESSION**

Mayor Brian Shepherd stated the Executive Session had been scheduled earlier in the agenda, but was postponed due to waiting for legal representation. This item is for the purpose of discussing legal issues and confidential data relating to financial affairs or trade secrets of second parties.

Commissioner Linda Clark moved to recess into an Executive Session for the purpose of discussing legal issues and confidential data relating to financial affairs or trade secrets of second parties, and to reconvene the regularly scheduled meeting in the City Commission room at 10:00 p.m.

Commissioner Steve Pershall seconded the motion.

Motion carried 5-0.

Mayor Shepherd reconvened the meeting at 10:00 pm.

Commissioner Clark moved to extend the Executive Session for the purpose of discussing legal issues and confidential data relating to financial affairs or trade secrets of second parties, and to reconvene the regularly scheduled meeting in the City Commission room at 10:30 p.m.

Commissioner Steve Reynolds seconded the motion.

Motion carried 4-0. (Commissioner Steve Pershall remained in the conference room).

Mayor Brian Shepherd reconvened the meeting at 10:30 p.m.

Commissioner Reynolds moved to extend the Executive Session for the purpose of discussing legal issues and confidential data relating to financial affairs or trade secrets of second parties, and to reconvene the regularly scheduled meeting in the City Commission room at 11:05 p.m.

Commissioner Michael Fagg seconded the motion.

Motion carried 4-0. (Commissioner Steve Pershall remained in the conference room).

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Mayor Shepherd reconvened the meeting at 11:05 p.m. No decisions were made.

**ADJOURNMENT**

Commissioner Steve Pershall moved to adjourn the meeting at 11:06 p.m.

Commissioner Michael Fagg seconded the motion.

Motion carried 5-0.

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City Clerk Kendra Porter

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Mayor Brian D. Shepherd