

EL DORADO CITY COMMISSION MEETING

July 21, 2008

The El Dorado City Commission met in regular session on July 21, 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, Commissioner David Chapin, City Manager Herbert E. Llewellyn, Jr., Finance Director Dee Anne Grunder, Assistant City Engineer Scott Rickard, and City Attorney Andrew Piekalkiewicz. Absent: City Clerk Kendra Porter

VISITORS

Amanda & Ethan Stalnaker	1155 S. Emporia	El Dorado, Kansas
Amanda Showalter	405 N. Emporia	El Dorado, Kansas
Danielle Decker	1003 S. Denver	El Dorado, Kansas
Rodger & Sharon Decker	1017 S. Denver	El Dorado, Kansas
Steve Wilson	2925 W. Fourth	El Dorado, Kansas
Charlotte Knox	651 Marmaton Rd.	El Dorado, Kansas
Art & Julie Anderson	635 Marmaton Rd.	El Dorado, Kansas
Michelle Tucker	3345 W. Towanda	El Dorado, Kansas
Cliff & Connie Rogers	3425 W. Towanda	El Dorado, Kansas
Sue Erikson	3435 W. Towanda	El Dorado, Kansas
Gary Boardman	3355 W. Towanda	El Dorado, Kansas
Jack Buckner	3605 W. Towanda	El Dorado, Kansas
Eugene Herrmann	405 School Rd.	El Dorado, Kansas
LeRoy Hildreth	601 Village Rd.	El Dorado, Kansas
Donald Adlesperger	1285 S. Topeka	El Dorado, Kansas
Sandra Ring	209 E. William	Wichita, Kansas
Rick Rawlings	SCKEDD	Wichita, Kansas
Julie Clements	El Dorado Times	El Dorado, Kansas
Rev. Bill O’Connell	337 N. Topeka	El Dorado, Kansas
Matt Rehder	220 E. First	El Dorado, Kansas
Dan Woydziak	320 Driftwood Ct.	Rosehill, Kansas
Jamie Downs	11935 S.W. 30 th	Benton, Kansas
Mark Long	668 Hunton	El Dorado, Kansas
Tim Gfeller	2926 W. Fourth	El Dorado, Kansas
Kendra Wilkinson	1016 S. Denver	El Dorado, Kansas
Will Johnson	205 W. Central	El Dorado, Kansas
Brad Meyer	2012 N. Chelsea Dr.	El Dorado, Kansas
Norm Manley	1859 Lawndale	El Dorado, Kansas
Kurt Bookout	2520 Kacy Ct.	El Dorado, Kansas
Michelle Waite	625 W. 14 th	El Dorado, Kansas
Wava Seymour	450 Eunice	El Dorado, Kansas
Darrel Shipman	3235 W. Towanda	El Dorado, Kansas
Teri Jimenez	1019 S. Denver	El Dorado, Kansas
Lindsay Light	1424 W. Olive	El Dorado, Kansas
Audra Kenneson		Wichita, Kansas
DeAnna Bromlow	521 N. Star	El Dorado, Kansas
Charlene Miller	1122 N.W. 75 th	El Dorado, Kansas
David Hambrick	659 Marmaton	El Dorado, Kansas

CALL TO ORDER

Mayor Tom McKibban called the July 21, 2008, City Commission meeting to order.

INVOCATION

Reverend Bill O’Connell, First Presbyterian Church, opened the meeting with prayer.

PLEDGE OF ALLEGIANCE

Reverend Bill O’Connell, 337 North Topeka, led the Pledge of Allegiance.

PERSONAL APPEARANCE

City Manager Herbert Llewellyn presented the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting award to Finance Director Dee Anne Grunder. Mr. Llewellyn stated that this is the thirtieth year the City of El Dorado has received this award.

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 July 7, 2008, City Commission minutes.
- b) Approval of the July 16, 2008, Special City Commission minutes.

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

Commissioner Steve Reynolds seconded the motion.

Motion carried 5-0.

SPECIAL USE PERMIT-DAYCARE CENTER AT 625 WEST 14TH (CASE NO. 08-004-SUP)

Assistant to the City Manager Matt Rehder stated that the applicant, Michelle Waite, is requesting a Special Use Permit to allow a daycare center at 625 West 14th. The property is zoned R-1, Residential-Low Density District. At the June 26, 2008 Planning Commission meeting, after review of the facts in the case and the information submitted at the public hearing, the Planning Commission approved the Special Use Permit for the establishment of the daycare center by a vote of 7 to 0.

ORDINANCE NO. G-1028

Commissioner Linda Clark moved that the recommendation of the Planning Commission to approve Case No. 08-004-SUP requesting a Special Use Permit to allow the establishment of a Daycare Center on property located at 625 W 14th be accepted and that Ordinance No. G-1028, be approved.

Commissioner Steve Pershall seconded the motion.

ROLL CALL

Position No. 4	Commissioner David Chapin	Yes
	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

SPECIAL USE PERMIT-DAYCARE CENTER AT 311 SOUTH ORCHARD (CASE NO. 08-005-SUP)

Assistant to the City Manager Matt Rehder stated that the applicant, Tammy Brown, is requesting a Special Use Permit to allow a daycare center at 311 South Orchard. The property is zoned R-1, Residential-Low Density District. At the June 26, 2008 Planning Commission meeting, after review of the facts in the case and the information submitted at the public hearing, the Planning Commission denied the Special Use Permit for the establishment of the daycare center by a vote of 7 to 0.

Discussion ensued amongst Commissioner Linda Clark, City Manager Herb Llewellyn and Assistant to the City Manager Matt Rehder regarding the City grandfathering in the other two daycare centers in which the daycare provider does not reside in the home.

Consensus of the Commissioners was to have the Planning Commission review the policy regarding allowing businesses in a residential area.

Mayor Tom McKibban questioned the difference between a pre-school and a day care.

Jamie Downs, 11935 S.W. 30th, Benton, Kansas, with the Butler County Health Department, read the KDHE definitions of a daycare center and a pre-school.

Norm Manley, representing Tammy Brown and Amanda Schowalter, stated that he agrees with City Manager Herb Llewellyn but would like to have this issue remanded back to the Planning Commission for deliberation and discussion about regulations.

Commissioner Steve Reynolds moved to table this issue until the Planning Commission provides a recommendation on this policy.

Commissioner David Chapin seconded the motion.

Motion carried 5-0.

SCKEDD – BG PRODUCTS CDBG PUBLIC HEARING

Sandy Ring and Rick Rawlings with SCKEDD, were present to answer any questions from the City Commission or the public regarding the Community Development Block Grant for BG Products.

PUBLIC HEARING

Mayor Tom McKibban opened the floor for the public hearing.

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

City Manager Herb Llewellyn stated that the administrator bids were opened and SCKEDD will be the administrator for the Community Block Grant of BG Products.

COLLEGE ACRES – SEWER HOOKUP

Mayor Tom McKibban stated that at the June 30, 2008 City Commission meeting, the Commission requested the City Attorney to research this issue. The City Attorney does not recommend connection without annexation; in the best case scenario, this would be problematic.

Butler County Commissioner Dan Woydziak stated that the residents of College Acres have requested to delay the annexation until the contract with RWD #2 has been terminated, since this will help to offset the cost.

Public Utilities Director Kurt Bookout stated that College Acres is served by RWD #2, and currently pay twice the in-city water rates. If we renegotiate the rate with the RWD #2, they indicated they would be receptive to releasing College Acres.

Discussion ensued amongst the City Commissioners, City Manager Herb Llewellyn and County Commissioners Will Johnson and Dan Woydziak regarding providing service for College Acres now and annexing them at a later date.

Commissioner Linda Clark moved to annex College Acres and to spread the cost over 15 to 20 years, to be determined later.

Mayor Tom McKibban seconded the motion.

Motion failed 2-3

Discussion ensued amongst the City Commissioners, City Manager Herb Llewellyn and County Commissioners Dan Woydziak and Will Johnson regarding sending this issue back to the County for approval.

Commissioner David Chapin moved to send the issue to the County under KSA 12-521.

Commissioner Steve Pershall seconded the motion.

Motion carried 3-2.

PROJECT NO. 310 – BOYER ROAD AND SIXTH AVENUE

Mayor Tom McKibban stated that the purpose of this agenda item is to reconsider authorizing the improvements of paving Boyer Road and Sixth Avenue.

Property owners will have 20 days after the publication of the resolution authorizing the project to protest. Staff will create a protest petition if an owner wishes to carry the petition.

LeRoy Hildreth, 601 Village Road, addressed his concerns regarding the paving of Boyer Road and Sixth Avenue.

Assistant City Engineer Scott Rickard explained the policy regarding benefits districts.

Eugene Herrmann, 405 School Road, questioned when School Road and Third Avenue will be improved. Mr. Herrmann stated that he is in favor of the improvements to Boyer Road and Sixth Avenue.

Assistant City Engineer Scott Rickard stated that the improvements to School Road are scheduled for 2010.

City Manager Herb Llewellyn clarified that the property owners have the option to petition out if they do not want their street improved.

Art Anderson, 635 Marmaton, discussed that the improvement cost will put a burden on the citizens who are on a fixed income, and asked the Commissioners to consider that burden.

Commissioner David Chapin stated that he has considered this burden; however, when streets are improved, property value increases as well.

LeRoy Hildreth, 601 Village Road, addressed his concerns that the City was planning to extend the truck route to include Boyer Road.

City Manager Herb Llewellyn stated that the City has no plans on extending the truck route and have recently increased the police patrol in the area as well as the cost of fine violations.

Steve Wilson, 2925 West Fourth, addressed his concerns regarding the need for the improvements of Boyer Road. Mr. Wilson stated he is not in favor of the improvements to Boyer Road and Sixth Avenue.

Mark Long, 668 Hunton, asked for explanation of the percentage for the City-at-large cost.

Assistant City Engineer Scott Rickard stated that the city-at-large will cover 71%, which includes some of the cost of the benefit district due to large parcels of land that the City must pay.

Tim Gfeller, 2926 West Fourth, addressed his concerns regarding the improvements for Boyer Road and Sixth Avenue. Mr. Gfeller stated that he is not in favor of the improvements to Boyer Road and Sixth Avenue.

Kendra Wilkinson, 1016 South Denver, stated that the school district would like the street to be wider and the district is also concerned about the truck route issue.

Don Adlesperger, 1285 South Topeka, inquired if Boyer residents would be given the same opportunity as North Topeka residents for an exception as to who could vote on the petition.

Commissioner Steve Pershall clarified that the Commission never approved the North Topeka project.

City Manager Herb Llewellyn explained if the Commission should approve this resolution and move forward, then petition can be requested.

RESOLUTION NO. 2610

Commissioner Linda Clark moved that Resolution No. 2610, a resolution determining the advisability of the making of certain internal improvements for the City of El Dorado, Kansas; making certain findings with respect thereto; repealing Resolution No. 2496 and authorizing and providing for the making of the improvements in accordance with such findings, subject to protest (paving improvements/Project No. 310), be adopted and the City draw up a petition for residents to carry if they so choose.

Commissioner David Chapin seconded the motion.

Commissioner Steve Pershall stated that he has been opposed to the improvements to Boyer Road and Sixth Avenue due to the cost.

Motion carried 4-1. (Commissioner Steve Pershall opposed)

INTERLOCAL AGREEMENT – TOWANDA AVENUE IMPROVEMENTS – PROJECT 295

Mayor Tom McKibban stated that the purpose of this agenda item is to reconsider an Interlocal Cooperation Agreement with Butler County and El Dorado Township for the purpose of paving Towanda Avenue.

Since Towanda Avenue lies on the corporate boundary limits of the City and Butler County and a portion is maintained by El Dorado Township, an Interlocal Agreement needs to be authorized before any improvements can move forward. The City previously approved this agreement with Resolution No. 2585, but it also needs the approval of the County and Township.

City Manager Herb Llewellyn stated that the County Commission would like to revisit this issue. City Manager Llewellyn inquired if the City Commission wanted to move forward and continue with the agreement.

Consensus of the City Commissioners was to continue with the agreement and allow the County to revisit this issue.

NEW BUSINESS – DISCUSSION ITEMS

Mayor Tom McKibban opened the floor for Commissioners' comments.

Commissioner Steve Reynolds encouraged the citizens of El Dorado to attend the Prairie Port Festival scheduled for next weekend. Commissioner Reynolds commended David Wagner and USD 490 for getting the bleachers moved and thanked the City for moving dirt to the east side of the Civic Center in preparation for the barbeque cook off. Commissioner Reynolds stated that one of the contestants will be Wichita Mayor Carl Brewer and there will be public tasting on Saturday from 9 a.m to 11 a.m.

Commissioner Linda Clark stated that she has received comments from citizens that they appreciate the bridge updates in the El Dorado Times. Commissioner Clark also inquired if Assistant City Engineer Scott Rickard could keep the citizens updated on the West Central project also.

Commissioner David Chapin discussed the Kansas Veterans Family Reunion that was held last weekend at the lake.

Mayor Tom McKibban thanked the community and the Commission for their input on the topics tonight. Mayor McKibban inquired when crews would begin repairing the potholes on Boyer Road.

Assistant Public Works Director Brad Meyer stated that crews have started working on Boyer Road today.

Mayor Tom McKibban closed the Commissioners' comments.

CITY MANAGER'S REPORT

1. City Manager Herb Llewellyn stated that the employees were polled on the proposed retirement program and an overwhelming response was in favor; almost all said they would contribute the 3% maximum. City Manager Llewellyn stated that the City would need a little over 3 mills to fund and if we levy 1 mill this year, 1 mill in 2009, .6 mills in 2010, and .6 mills in 2011, then we could implement KP & F in 2010. This would allow 1% for other employee's retirement in 2010, and then increase to the 3% maximum for other employee's retirement in 2011.

Consensus of the City Commissioners was to levy 1 mill in the 2009 budget.

2. City Manager Llewellyn stated that in this year's budget, we are purchasing a new tanker truck for the fire department. Staff has requested bids twice since the original bids were too high. We would like to accept a bid of \$186,000 unless the Commission has other concerns.

Consensus of the City Commissioners was to accept the bid of \$186,000.

INTERLOCAL AGREEMENT FOR REGULATION OF LAND

City Manager Herb Llewellyn stated that the purpose of this agenda item is to reconsider an Interlocal Cooperation Agreement between the City of El Dorado and Butler County for the purpose of allowing El Dorado to regulate zoning outside the City limits.

City Manager Herb Llewellyn stated that steps have been taken, but the agreement was never obtained. This allows the City in conjunction with the County to maintain and control zoning up to three miles outside the city limits. This agreement is the same as the County has with the City of Augusta.

Discussion ensued amongst the City Commissioners and City Manager Herb Llewellyn regarding this issue.

City Manager Herb Llewellyn stated that Assistant to the City Manager Matt Rehder will take this issue to the Planning Commission on Thursday night, and will be placed on the City Commission agenda in August.

EXECUTIVE SESSION

Mayor Tom McKibban stated that this item is for the purpose of discussing data related to property acquisition and legal issues.

Commissioner David Chapin moved to recess into an Executive Session for the purpose of discussing confidential data relating to property acquisition and legal issues, 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 Tom McKibban reconvened the meeting at 10:02 p.m.

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Commissioner Linda Clark moved to return to Executive Session until 10:25 p.m.

Commissioner Steve Reynolds seconded the motion.

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

Mayor Tom McKibban reconvened the meeting at 10:30 p.m, and noted that the City Commission returned at 10:25 p.m. but due to audio/video problems the meeting could not be reconvened until 10:30 p.m.

SALE OF LAND

Commissioner Linda Clark moved to approve the sale of land to M6 Concrete Accessories and Consolidated Oil.

Commissioner David Chapin seconded the motion.

Motion carried 5-0.

ADJOURNMENT

Commissioner Steve Reynolds moved to adjourn the meeting at 10:30 p.m.

Commissioner David Chapin seconded the motion.

Motion carried 5-0.

City Clerk Kendra Porter

Mayor Tom McKibban