

**EL DORADO CITY COMMISSION MEETING**

**August 4, 2008**

The El Dorado City Commission met in regular session on August 4, 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, Finance Director Dee Anne Grunder, Assistant City Engineer Scott Rickard, City Building Official Kyle McLaren, Fire Marshall Joseph Haag, Assistant to the City Manager Matt Rehder and City Attorney Andrew Piekalkiewicz. Absent: City Manager Herb Llewellyn and City Clerk Kendra Porter.

**VISITORS**

Jim Murfin	220 E. First	El Dorado, Kansas
Adam See	Burns & McDonnell	El Dorado, Kansas
Jim Stump	2515 Kacy Ct.	El Dorado, Kansas
Kimberly Blake	3625 W. Towanda	El Dorado, Kansas
Chaplin Mark Somerville	515 W. Locust	El Dorado, Kansas
Julie Clements	El Dorado Times	El Dorado, Kansas
Donald Adlesperger	1285 S. Topeka	El Dorado, Kansas
Steven Shannon	2049 Dragonfly Dr.	El Dorado, Kansas
James Cook	719 Fredrick Dr.	El Dorado, Kansas
David Ellis	208 S. Summit	El Dorado, Kansas
Linda Baines	253 Post Rd.	El Dorado, Kansas
Lindsay Baines	1516 W. Third	El Dorado, Kansas
John C. Grange	1115 Rim Rock Rd.	El Dorado, Kansas
Brad Meyer	2012 Chelsea Dr.	El Dorado, Kansas
Spencer Stewart	1129 S. Douglas Rd.	El Dorado, Kansas

**CALL TO ORDER**

Mayor Tom McKibban called the August 4, 2008, City Commission meeting to order.

**INVOCATION**

Reverend Spencer Stewart, New Life Equipping Ministry, opened the meeting with prayer.

**PLEDGE OF ALLEGIANCE**

Julie Clements, El Dorado Times, led the Pledge of Allegiance.

**PUBLIC COMMENTS**

Mayor Tom McKibban opened the floor for public comments.

Mayor Tom McKibban apologized for remarks made at the last meeting and read the Public Comment Policy.

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

**CONSENT AGENDA**

- a) Approval of the July 21, 2008, City Commission minutes.
- b) Approval of Appropriation Ordinance No. 07-08 in the amount of \$1,345,978.00.
- c) Approval of the Engineer’s First Pay Estimate dated July 28, 2008 on Project No. 305, Residential Sidewalks to the Contractor, Barkley Construction, in the amount of \$23,598.01.

- d) Approval of the Engineer's First Pay Estimate dated July 28, 2008, on Project No. 308, Sanitary Sewer Prairie Land Estates 2<sup>nd</sup> Addition to the Contractor, Nowak Construction, in the amount of \$19,565.00.

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

Commissioner Steve Pershall seconded the motion.

Motion carried 5-0.

**AIRPORT MASTER PLAN**

Adam See with Burns & McDonnell, gave a short presentation, then discussed and answered questions regarding the Airport Master Plan. The FAA needs the City to approve the plan before moving forward; however, the FAA has the final authorization of this plan.

Discussion ensued amongst Adam See and the City Commissioner regarding the Airport Master Plan.

**AIRPORT MASTER PLAN**

Commissioner Linda Clark moved that the Airport Master Plan, as presented, be approved, and the City Manager be instructed to take the necessary actions to implement the plan.

Commissioner David Chapin seconded the motion.

Motion carried 5-0.

**RESOLUTION – COLLEGE ACRES ANNEXATION**

Assistant to the City Manager Matt Rehder stated that this item was initiated by the State of Kansas informing the residents of College Acres of the closing of their sewer lagoon. In order for the College Acres residents to connect to the City sewer system, City regulations require annexation of this area. The City Commission has discussed this item at various meetings with the College Acres residents advising the Commission of their displeasure of the need to be annexed into the City limits. The City Commission has decided to remand this item to the Butler County Commission.

Kimberly Blake, 3625 West Towanda, read a prepared statement regarding annexation and asked the City Commissioners to reconsider sending this to the County for annexation.

**RESOLUTION NO. 2611**

Commissioner Steve Pershall moved that Resolution No. 2611, a resolution authorizing the filing of a petition with the Board of Commissioners of Butler County, Kansas, to consider the annexation of certain territory as provide by K.S.A. 12-521, be approved.

Motion failed for lack of second.

Mayor Tom McKibben asked Assistant to the City Manager Matt Rehder to inform the County regarding this issue.

**PROJECT NO. 314 – CONCRETE PAVEMENT PATCHING ON CENTRAL AVENUE (US 254)**

Assistant City Engineer Scott Rickard stated that bids were received on Project No. 314 – Concrete pavement patching on Central (US 254) on July 16, 2008, in Topeka. All-In-One Construction, LLC, of Louisburg, Kansas, was the lowest bidder. The bid on the project was below the Engineer’s Estimate.

**AWARDING THE CONTRACT**

Commissioner Steve Reynolds moved that since All-In-One Construction, LLC presented the lowest and best bid for Project No. 314 Concrete pavement patching on Central (US 254) from School Road to the west City limits, the City of El Dorado award the contract to All-In-One Construction, LLC, and commit funds to the State of Kansas.

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

**INTERLOCAL AGREEMENT WITH BUTLER COUNTY FOR REGULATION OF LAND**

Assistant to the City Manager Matt Rehder stated that this agenda item was discussed at the July 21, 2008, City Commission meeting and returned to the Planning Commission for review. The Planning Commission discussed this item at their July 24, 2008, meeting. The consensus was to approve and move forward. The purpose of this item is to reconsider the 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.

**INTERLOCAL AGREEMENT**

Commissioner David Chapin moved that the Interlocal Agreement between Butler County, Kansas, and the City of El Dorado, Kansas, providing for the regulation of the use of land within territory designated as the growth area of the City of El Dorado, be approved.

Commissioner Steve Reynolds seconded the motion.

Motion carried 5-0.

**PUBLIC HEARING – 2009 BUDGET AND SIX-YEAR CAPITAL IMPROVEMENT PLAN**

Finance Director Dee Anne Grunder stated that in order to comply with Kansas state law, the City Commission will conduct a public hearing for all interested citizens regarding the proposed 2009 Budget. Finance Director Grunder provided a brief review of the proposed 2009 Budget.

**PUBLIC HEARING**

Mayor Tom McKibban opened the floor for the public hearing.

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

**ORDINANCE NO. S-1295**

Commissioner Linda Clark moved that Ordinance No. S-1295, an ordinance attesting to an increase in tax revenues for Budget Year 2009 for the City of El Dorado, be approved, and to approve the 2009 Operating Budget and Capital Improvement Plan in the total amount of \$22,886,969, providing for an estimated mill levy of 46.512 mills and to certify the same to the County Clerk.

Commissioner Steve Pershall seconded the motion.

**ROLL CALL**

Position No. 3	Commissioner Steve Pershall	Yes
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

**MULTIPLE CODE AND FIRE ORDINANCES**

City Building Official Kyle McLaren stated that the City of El Dorado has a current need to update the codes adopted by the city to regulate construction. These updates will make the City of El Dorado consistent with the surrounding areas. These amendments include updates to the Building, Residential, Uniform Plumbing, and Uniform Mechanical code and have been recommended by the Board of Code Review. Building Official Kyle McLaren stated that he has provided a recommended timeline and sample letter to local contractors. The Fire Department has provided Fire Code amendments.

2006 International Building Code - The adoption of the 2006 IBC would replace the 1997 Uniform Building Code which we are currently using.

2006 International Residential Code - The 2006 IRC would not replace any codes which we are currently using. It is a stand alone code that sets guidelines for one- and two-family dwellings.

2006 Uniform Plumbing Code - The adoption of the 2006 UPC would replace the 1991 Uniform Plumbing Code, which we are currently using.

2006 Uniform Mechanical Code - The adoption of the 2006 UMC would replace the 1991 Uniform Mechanical Code which we are currently using. The City of El Dorado does not currently enforce the mechanical code and will not begin enforcement of the new code at this time.

2006 Fire Code – The adoption of the 2006 Fire Code would amend the current code we are using.

Discussion ensued amongst the City Commissioners and Building Official Kyle McLaren regarding the updates to the Building, Residential, Uniform Plumbing, and Uniform Mechanical codes.

City Building Official Kyle McLaren stated that the City’s intensions would be to wait to enforce the 2006 Uniform Mechanical Code until 2010 in order for contractors to get licensed.

**EL DORADO CITY COMMISSION MEETING**

**August 4, 2008**

Commissioner Steve Reynolds thanked the members of the Board of Code Review.

**ORDINANCE NO. G-1030**

Commissioner Linda Clark moved that Ordinance G-1030, an ordinance adopting the 2006 Edition of the International Building Code, be approved.

Commissioner David Chapin seconded the motion.

**ROLL CALL**

Position No. 2	Commissioner Linda Clark	Yes
Position No. 3	Commissioner Steve Pershall	Yes
Position No. 4	Commissioner David Chapin	Yes
	Mayor Tom McKibban	Yes
Position No. 1	Commissioner Steve Reynolds	Yes

**ORDINANCE NO. G-1031**

Commissioner Steve Pershall moved that Ordinance G-1031, an ordinance adopting the 2006 Edition of the International Residential Code, be approved.

Commissioner Steve Reynolds 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	Yes
	Mayor Tom McKibban	Yes

**ORDINANCE NO. G-1032**

Commissioner David Chapin moved that Ordinance G-1032, an ordinance adopting the 2006 Edition of the Uniform Plumbing 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	Yes

**ORDINANCE NO. G-1033**

Commissioner Steve Reynolds moved that Ordinance G-1033, an ordinance adopting the 2006 Edition of the Uniform Mechanical Code, be approved.

Commissioner Linda Clark 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

John Grange, 1115 Rim Rock Road, discussed his concerns if permits are required in the Mechanical Code.

**ORDINANCE NO. G-1034**

Commissioner Linda Clark moved that Ordinance G-1034, an ordinance adopting the 2006 Edition of the International Fire Code, be approved.

Commissioner Steve Pershall seconded the motion.

**ROLL CALL**

Position No. 3	Commissioner Steve Pershall	Yes
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

Fire Marshall Joseph Haag discussed the changes in the 2006 Edition of the International Fire Code.

Mayor Tom McKibban thanked everyone involved in providing input to update the City of El Dorado Building Codes.

**PROJECT NO. 307 – PAVING PRAIRIE LAND ESTATES SECOND ADDITION**

Assistant City Engineer Scott Rickard stated that bids were received for the paving project and the bid was below the Engineer’s Estimate.

Assistant City Engineer Scott Rickard spread the bids for the record.

Engineer’s Estimate	\$327,469.50
APAC	\$330,323.08
Cornejo & Sons	\$298,954.60

**AWARDING THE CONTRACT**

Commissioner Linda Clark moved that as Cornejo & Sons has submitted the lowest and best bid for Project No. 307, the City Manager be directed to award the contract to said contractor providing that the Company furnish the proper bonds.

Commissioner David Chapin seconded the motion.

Motion carried 5-0.

**NEW BUSINESS – DISCUSSION ITEMS**

Mayor Tom McKibban opened the floor for Commissioners' comments.

Commissioner David Chapin stated that he is pleased with his new sidewalk and urged all citizens to take advantage of the sidewalk program next year.

Commissioner Steve Pershall updated the City Commission on a recent REAP water conference that he and Public Utilities Director Kurt Bookout attended.

Commissioner Linda Clark stated that she has received nice comments regarding the North Main bridge.

Commissioner Steve Reynolds encouraged everyone to vote tomorrow. Commissioner Reynolds commended the City for all their support and hard work with the Prairie Port Festival.

Mayor Tom McKibban thanked Commissioner Reynolds for organizing the barbeque cook off contest. Mayor McKibban discussed the Butler County 4-H foreign exchange program. Mayor McKibban also encouraged everyone to check on their neighbors, especially the elderly during the next few days due to the heat. Mayor McKibban encouraged everyone to vote tomorrow. Mayor McKibban also inquired if a crosswalk was going to be added at the intersection of Village Road and Central Avenue.

Assistant City Engineer Scott Rickard stated that the issue has been addressed.

Mayor Tom McKibban closed the Commissioners' comments.

**CITY MANAGER'S REPORT**

Assistant to the City Manager Matt Rehder encouraged everyone to vote in tomorrow's election.

Assistant to the City Manager Matt Rehder stated that there will be a Work Session August 13, 2008, at 3:30 p.m.

Assistant City Engineer Scott Rickard stated that the City would appreciate the Commission's support at the Butler County Commission Meeting on August 11, 2008, at 9:00 a.m. regarding paving Towanda Street.

**ADJOURNMENT**

Commissioner Steve Reynolds moved to adjourn the meeting at 8:17 p.m.

Commissioner David Chapin seconded the motion.

Motion carried 5-0.

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City Clerk Kendra Porter

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Mayor Tom McKibban