

**EL DORADO CITY COMMISSION MEETING August 16, 2004**

The El Dorado City Commission met in regular session on August 16, 2004, at 7:30 p.m. in the Commission Room with the following present: Mayor Connie Phillips, Commissioner Michael A. Fagg, Commissioner Linda Clark, Commissioner Brian Shepherd, City Commissioner Oral W. Taylor, City Manager Stan B. Stewart, Assistant City Manager Gus Collins, City Engineer Dave Wagner, City Attorney Mike Coash and City Clerk/Finance Director Dee Anne Grunder.

**VISITORS**

Mark Elwood	El Dorado Times	
Larry Adams	1756 W. 3rd	El Dorado, Kansas
Verlee Adam	1426 Edgemoor	El Dorado, Kansas
Faye Wilson	512 W. 12 <sup>th</sup>	El Dorado, Kansas
Jerry & Teri Blount	131 Hillside	El Dorado, Kansas
Lee & Sherri White	1928 Jamaica	El Dorado, Kansas
James Cook	719 Fredrick Drive	El Dorado, Kansas
Kathy Martin	1789 SW Boyer	El Dorado, Kansas
Dale Daniel	153 Eunice	El Dorado, Kansas
Ralph & Billie Lourie	2025 Chelsea	El Dorado, Kansas
Forest Kelly	1960 Arlington	El Dorado, Kansas
Jack Hamilton	916 W. Pine	El Dorado, Kansas
Dennis Hanson	1878 Belmont	El Dorado, Kansas
Marv Loucks	1351 Country Club Rd.	El Dorado, Kansas
Dave Adams	1845 Chelsea Dr.	El Dorado, Kansas
Linda Baines	253 Post	El Dorado, Kansas
Peter Knoop	906 S. High	El Dorado, Kansas
Steve Johnson	El Dorado Township	El Dorado, Kansas
Craig Lorensen	514 W. Olive	El Dorado, Kansas
Burt Bowlus	1830 Quail Run	El Dorado, Kansas
Darrel Whitney	206 Warren Rd.	El Dorado, Kansas
George Fagg	320 N. Atchison	El Dorado, Kansas
Brian Clites	1305 Glenview Dr.	El Dorado, Kansas
Michael Ball	Salina Area Technical School	Salina, Kansas
Carolyn Marcum	309 S. Vine	El Dorado, Kansas
David Yearout	Interim Planning/Zoning Director	
Steve Funk	1810 Lawndale	El Dorado, Kansas

**PLEDGE OF ALLEGIANCE**

City Manager Stan Stewart led the Pledge of Allegiance.

**PROCLAMATION**

Officer Dave Adams gave a brief review of Dan Lankas' accomplishments and reported that Mr. Lankas would be inducted into the Kansas State University Hall of Fame on September 3, 2004.

Mayor Connie Phillips presented a letter on behalf of Dan from the City of El Dorado.

**PERSONAL APPEARANCE**

Michael Ball, Salina Area Technical School, thanked the City Staff for allowing him to do an internship. Mr. Ball complemented El Dorado's Water Treatment Staff for operating one of the best systems in the state.

## **EL DORADO CITY COMMISSION MEETING August 16, 2004**

Darrell Whitney, 206 Warren Road, representative of Prairie Port Committee, expressed appreciation to the City for their funding assistance in constructing the Prairie Port facility.

Commissioner Fagg asked if Prairie Port was incorporated and if so, would they consider giving their net profits to the Chamber.

Mr. Whitney stated that Prairie Port is incorporated. He indicated reserves are needed in the event of a rain out, but they would consider any request.

Carolyn Marcum, 309 S. Vine, stated that she was pleased with Cornejo's work on the cleanup. Ms. Marcum stated that she had received the check for the insurance proceeds with interest, but feels she should have received it in January when requested. She stated there should be a review of the influence the El Dorado Main Street has on downtown.

### **CONSENT AGENDA**

- a) Approval of the August 2, 2004, City Commission minutes.
- b) Approval of the August 7, 2004, Special City Commission minutes.
- c) Approval of the August 6, 2004, Work Session minutes.

Commissioner Fagg asked if the City is covered on the building being leased by Valmont, and if so, how much insurance is on the building.

Assistant City Manager Gus Collins stated that the building is covered for five million dollars with IUSI. He stated that he would confirm the total.

Commissioner Fagg requested that some wording be added to the August 2, 2004 minutes.

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

Commissioner Shepherd seconded the motion. Motion carried 5-0.

### **RURAL WATER DISTRICT #2 – WATER AGREEMENT RENEWAL**

City Manager Stan Stewart requested a postponement of this agenda item and to extend the agreement to September 7, 2004.

Commissioner Taylor moved to extend the water agreement between Rural Water District #2 and the City of El Dorado until September 7, 2004.

Commissioner Shepherd seconded the motion. He stated he would like to discuss some of the specifics in the contract in a work session.

Assistant City Manger Gus Collins stated that a meeting would be held with Rural District #2 representatives, and a work session would be scheduled to discuss the agreement in more detail.

Commissioner Fagg sated he would like to develop a comprehensive plan for all Rural Water Districts to make sure they are consistent and fair.

Motion carried 5-0.

**EL DORADO CITY COMMISSION MEETING August 16, 2004**

**REZONE FROM R-1 RESIDENTIAL – LOW DENSITY TO R-3 MULTI-FAMILY RESIDENTIAL – ADLESBERGER-SMITH ADDITION**

David Yearout, Interim Planning/Zoning Director, stated that the Planning Commission reviewed a request for a rezoning of Lots 1 through 8, Block A, Adlesperger-Smith Addition to the City of El Dorado, located along the east side of High Street south of Finney. The applicants are Donald Adlesperger and David Rogers. The Planning Commission unanimously recommended approval of this rezoning request. He stated that there was no protest filed.

Commissioner Shepherd questioned why it was not rezoned to R-2 vs. R-3.

Mr. Yearout stated it was at the request of the developer.

Commissioner Shepherd stated that he is concerned that they can build anything if rezoned to R-3.

David Rogers, 358 Village Road, stated that he wants flexibility of R-3 in order to build 5-plexes if desired.

Commissioner Taylor moved that Ordinance No. G-958, an ordinance to rezone Lots 1 through 8, Block A, Adlesperger-Smith Addition to the City of El Dorado from R-1 Residential-Low Density to R-3 Multi-Family, be approved.

Commissioner Clark seconded the motion.

Commissioner Shepherd stated he feels it should be resubmitted to the Planning Commission to review again in order to discuss the 5-plex information.

**ROLL CALL**

Position No. 1	Commissioner Oral Taylor	yes
Position No. 2	Commissioner Linda Clark	yes
Position No. 3	Commissioner Brian Shepherd	no
Position No. 4	Commissioner Michael Fagg	yes
	Mayor Connie Phillips	yes

**SPECIAL USE PERMIT AT 520 NORTH SUMMIT**

David Yearout, Interim Planning/Zoning Director, stated that the Planning Commission reviewed a request for a special use permit at 520 North Summit for a 12 ft by 24 ft. (288 square foot) addition onto an existing 24 ft by 32 ft (768 square foot) garage, bringing the total garage size to 1,056 square feet. The applicant is Jeff Adams. Mr. Yearout stated that Mr. Adams has ample room on the lot. The Planning Commission unanimously recommended that the special use permit be granted.

Commissioner Taylor asked the maximum square feet allowed without obtaining a special use permit.

Mr. Yearout stated 800 square feet. There has been discussion of raising the standards.

Commissioner Fagg moved that Resolution No. 2464, a resolution to provide for a special use permit for Jeff Adams for the property located at 520 North Summit to allow a 288 square foot addition onto an existing 768 square foot garage, be approved.

## **EL DORADO CITY COMMISSION MEETING August 16, 2004**

Commissioner Shepherd seconded the motion. Motion carried 5-0.

### **ADLESPERGER-SMITH ADDITION – LAND DONATION**

Mayor Phillips stated when the Adlesperger-Smith Addition was platted, there was an area dedicated for park use, as required by the Subdivision Regulations. This land, however, was never actually deeded to the City of El Dorado. The following motion provides for the deed and acceptance of the open space to the City. The owner, Don Adlesperger, has agreed to deed this area to the City.

David Yearout, Interim Planning/Zoning Director, stated that this was identified as reserve in the plat, but the plat language did not constitute a dedication at the time of approval. This is a corrected action to make the land part of a public park system.

Mayor Phillips stated that the City needs to make long range plans for development of this property.

Commissioner Taylor moved that the open space dedicated as park area in the Adlesperger-Smith Addition, platted initially in 1997, be accepted by the City.

Commissioner Clark seconded the motion. Motion carried 5-0.

### **PUBLIC HEARING – 2005 OPERATING BUDGET AND SIX-YEAR CAPITAL IMPROVEMENT PROGRAM**

Mayor Phillips 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 2005 Budget. Staff will provide a brief review of the proposed 2005 Budget. Following the public hearing, a motion to approve the 2005 Budget is required.

City Manager Stan Stewart gave a brief overview. The assessed valuation increased 5%, which helps in the operation of the budget. The capital outlays are minimal. Mr. Stewart cautioned that you can only do that so long before it catches up with you. He stated that KP&F retirement funding is not reflected.

### **PUBLIC HEARING**

Mayor Phillips opened the public hearing. With no one appearing, she declared the public hearing closed.

Commissioner Fagg asked if Stan was involved at all.

City Manager Stewart stated that he did visit with Department Heads. He stated that Assistant City Manager Collins goes through the process with the Department Heads.

Commissioner Fagg asked what some of the items were that were not approved.

City Manager Stewart stated that some of the items denied were capital outlay and new employees.

Commissioner Taylor stated that KP& F was denied.

Assistant City Manager Collins stated that training must be justified.

City Manager Stewart stated that conversations are on-going throughout the year.

## **EL DORADO CITY COMMISSION MEETING August 16, 2004**

Commissioner Fagg stated that property tax revenue is approximately 16% of the total expenditures for 2005.

City Manager Stewart stated that one of the goals of all Commissions has been to work toward diversification.

Commissioner Fagg stated that 40% of ad valorem goes to debt service. He asked if that is comparable to other cities. Commissioner Fagg recommended that the Commissioners be present during the meetings with the Department Heads.

Mayor Phillips stated that she feels questions should have been presented before the meeting to adopt the budget.

City Manager Stewart stated that City Staff has always asked the Governing Body's input on the process and the amount of time they would like to spend on the process. He stated that no Governing Body has ever requested to be involved in the department budget process.

Commissioner Fagg stated that the request is for next year.

Commissioner Shepherd asked if the dollar amount needs to be changed due to the additional recycling coordinator being added.

Assistant City Manager Collins stated that the dollar amount shifted from refuse to recycling and there was no change in the total budget.

Commissioner Fagg asked if any other Commissioner has reviewed the other pages of the certificate.

Assistant City Manger Collins stated that the form is a State budget form and is what they previously reviewed in another format. He stated that the certificate is a summary, and a final copy of the State budget could be provided.

Commissioner Shepherd moved to approve the 2005 Operating Budget and Capital Improvement Plan in the total amount of \$16,979,145.00, providing for a mill levy of 42.779 mills and to certify the same to the County Clerk.

Commissioner Fagg seconded the motion.

Commissioner Taylor expressed appreciation to the staff for the way the budget was presented this year.

Commissioner Clark agreed with Commissioner Taylor's statement.

Mayor Phillips also agreed.

Commissioner Fagg stated that he feels the Commission should understand the process.

Motion carried 5-0.

**EL DORADO CITY COMMISSION MEETING August 16, 2004**

**PROJECT NO. 233 – RESIDENTIAL SIDEWALKS AND PROJECT NO. 222 – CENTRAL AVENUE SIDEWALKS**

Project No. 222

2003 Sidewalk Sales Tax- Haverhill to Jones

Project No. 233

623 S. Atchison  
216 S. Vine  
427 N. Atchison  
304 S. Denver  
500 N. Topeka  
623 S. Alleghany

City Engineer Dave Wagner stated that bids have been requested three times on the Sales Tax Projects (installing sidewalks from Arthur to Haverhill Road). He stated six other property owners are requesting sidewalk. Four bids have been received for both projects and all were greater than the Engineer's Estimate. Two of those have irregular proposals, and one of those two did not submit a bid bond. Since the remaining two bids were over the estimate, a petition has been signed by the six property owners that includes costs exceeding the costs estimated at the time. Property owners have been contacted, and they are agreeable to the increased cost. At this time City Staff recommends negotiation with the two lowest bidders.

Commissioner Clark asked if the City has ever worked with Parga in the past.

City Engineer Wagner stated that Parga is a new company. They are working with another company out of Newton.

Commissioner Shepherd expressed concern that there is not much known about them and references have not been checked.

City Manager Stewart stated that would be part of the negotiation process.

Commissioner Taylor stated that the City has only a small risk due to the performance bond.

Commissioner Fagg asked if the handrails would be ADA compliant

Assistant City Manager stated they would be ADA compliant.

**RECEIVING THE PETITION**

City Clerk Dee Anne Grunder reported to the Commission that the petition for the construction projects, signed by owners of 100% of the total number of lots in the improvement district, is sufficient for Project No. 233.

**RECEIVING THE BIDS**

Mayor Phillips asked that the bids be spread on the record:

Engineers' Estimate - \$69,828.05  
Parga - \$71,742.25  
Bryant & Bryant - \$77,056.20  
Two other bids – insufficient

**EL DORADO CITY COMMISSION MEETING August 16, 2004**

**ACCEPTING THE PETITION AND RESOLUTION OF ADVISABILITY/  
RESOLUTION AUTHORIZING THE IMPROVEMENT COMBINED, AND  
OTHER ITEMS**

**REPORT OF SUFFICIENCY**

Commissioner Clark moved that the Report of Sufficiency be accepted for Project No. 233, Residential Sidewalks, and that Resolution No. 2465, a resolution of Finding as to Advisability and a resolution Authorizing Improvement combined, be approved.

Commissioner Shepherd seconded the motion. Motion carried 5-0.

**ORDINANCE NO. S-1211**

Commissioner Taylor moved that Ordinance No. S-1211, an ordinance authorizing the issuance of bonds of the City of El Dorado, in an amount not to exceed \$17,238.63 in payment of the cost of Project No. 233, and providing for the issuance of Temporary Notes pending the issuance of such bond, and that two bids be rejected, and since the lowest two best bids were above the Engineer's Estimate, the City Manager be directed to negotiate a contract with one of the low bidders for both projects, and that the City Manager advertise, take bids, and enter into a contract with a local seeding contractor to complete the project seeding for Project No. 222, be approved.

Commissioner seconded the motion.

**ROLL CALL**

Position No. 1	Commissioner Oral W. Taylor	yes
Position No. 2	Commissioner Linda Clark	yes
Position No. 3	Commissioner Brian Shepherd	yes
Position No. 4	Commissioner Michael Fagg	yes
	Mayor Connie Phillips	yes

**MISCELLANEOUS**

Ralph Lourie, 2025 Chelsea, had all the Kiwanis members in attendance stand, and he thanked City Manager Stan Stewart for his work.

Burt Bowlus, 1830 Quail Run, stated that he thinks the City is doing a fine job. He is happy with the present government and is sorry to see Stan leave.

**NUISANCE ORDINANCE AMENDMENT**

Mayor Phillips stated that this agenda item was tabled during the August 2, 2004, meeting. The state legislature has made certain changes to the nuisance statute. The following revision will provide for the inclusion of the new laws.

Commissioner Fagg asked if there were any changes vs. what the League recommended.

City Attorney Michael Coash stated that there were several changes. Mr. Coash stated that John Kirk, Intern, provided a memo explaining the changes. He then gave a brief summary of the changes.

Commissioner Fagg asked if 6" vs. 12" is making it hard for citizens to comply. He recommended using 12" rather than 6," since the State's recommendation is 12".

## **EL DORADO CITY COMMISSION MEETING August 16, 2004**

Commissioner Fagg asked if anyone having an issue with this has the option to come before the Commission following an appeal to the City Manager.

City Attorney Coash stated that either the Governing Body hears appeals, or the Governing Body designates a representative to hear the appeals. It should be one or the other, not both.

Commissioner Shepherd stated that he is not opposed to the 6", but wants consistent enforcement. He indicated he desires that appeals come before the Commission.

City Attorney Coash stated that the section could be deleted with three votes.

City Manager Stan Stewart stated that the Governing Body has the ability to change the level and quality of enforcement.

City Attorney Coash stated that selective enforcement is not a good argument for violating an ordinance.

Steve Funk, 1810 Lawndale, asked if a citizen would be allowed to make a personal appearance before the Commission if he is not happy with the results of the appeal.

Commissioner Taylor stated that he can make a personal appearance, but it would not change the outcome of the appeal.

Mr. Funk stated that he does not feel the Governing Body should be reviewing weed issues. He stated that he feels it is a waste of the Commission's time and energy. Mr. Funk then stated that the designated person should be replaced if he is not doing a good job.

Jerry Blount, 131 Hillside, stated that he is concerned that a controlling officer can exempt properties and feels that is selective enforcement.

Mayor Phillips asked if officers respond to complaints, or if they write up notices they see themselves.

Chief Brad Smith stated that most are from complaints.

Mayor Phillips stated that if the Commission desires additional enforcement, then this should be communicated to staff so an enforcement officer can be added to the budget.

Commissioner Fagg asked how many properties the City had mowed.

Chief Smith stated that the parks department handles this, but it could be determined from the records.

Commissioner Shepherd questioned the process for follow up.

Chief Smith stated that a sign is placed on the property, and a certified letter is mailed. The sign is left on the property in case they do not accept the letter or receive the letter. He stated that this year a database has been created and will be updated.

Lee White, 1928 Jamaica, stated that he feels there is a difference between what is legal and what is right.

**EL DORADO CITY COMMISSION MEETING August 16, 2004**

**ORDINANCE NO. G-959**

Commissioner Shepherd moved that Ordinance No. G-959, an ordinance modifying the El Dorado City Code by adding a weed and grass control ordinance and providing provisions for removal, be approved.

Commissioner Clark seconded the motion.

**ROLLCALL**

Position No. 1	Commissioner Oral W. Taylor	yes
Position No. 2	Commissioner Linda Clark	yes
Position No. 3	Commissioner Brian Shepherd	yes
Position No. 4	Commissioner Michael Fagg	no
	Mayor Connie Phillips	yes

**STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, EDITION 2004 –  
ORDINANCE NO. G-960**

Mayor Phillips stated the legislation makes changes in the standard traffic ordinances. The City Commission approves this action annually in order that our requirements are consistent with other cities in the State.

Commissioner Taylor moved that the recommendation of Staff be accepted and that Ordinance No. G-960, 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 2004,” be passed and approved.

Commissioner Shepherd seconded the motion.

Commissioner Shepherd asked if any major changes had been made.

City Attorney Coash discussed the changes.

**ROLL CALL**

Position No. 1	Commissioner Oral W. Taylor	yes
Position No. 2	Commissioner Linda Clark	yes
Position No. 3	Commissioner Brian Shepherd	yes
Position No. 4	Commissioner Michael Fagg	yes
	Major Connie Phillips	yes

**INCORPORATING THE UNIFORM PUBLIC OFFENSE CODE, EDITION 2004-  
ORDINANCE NO. G-961**

Mayor Phillips stated that the 2004 Kansas legislative session provides for certain changes in the Uniform Public Offense Code.

City Attorney Coash discussed the changes.

Commissioner Clark moved that the recommendation of the Staff be accepted and Ordinance No. G-961, 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 2004, be approved.

Commissioner Fagg seconded the motion.

**EL DORADO CITY COMMISSION MEETING August 16, 2004**

**ROLL CALL**

Position No. 1	Commissioner Oral W. Taylor	yes
Position No. 2	Commissioner Linda Clark	yes
Position No. 3	Commissioner Brian Shepherd	yes
Position No. 4	Commissioner Michael Fagg	yes
	Mayor Connie Phillips	yes

**PUBLIC HEARING – KDHE REVOLVING LOAN FUND – WASTEWATER PLANT**

Mayor Phillips stated this agenda item is in preparation for the City’s new wastewater treatment plant. An option in the financing of this project involves the Kansas Department of Health and Environment’s revolving loan fund. The following resolution and public hearing must be held in order to be eligible for the revolving loan fund.

Assistant City Manager Collins stated that the project can be funded through revenue bonds or the KDHE revolving loan fund. The City must file an application to be considered. The rate is approximately half of the revenue bond rate.

**RESOLUTION NO. 2466**

Commissioner Shepherd moved that Resolution No. 2466, a resolution to authorize the Mayor to execute and file an application for a loan to aid in financing the wastewater treatment plant improvement project, be approved.

Commissioner Taylor seconded the motion.

Commissioner Fagg asked if the City has to accept the loan if they apply.

Assistant City Manager Gus Collins stated that they would not have to accept the loan, and it will come back to the Commission for final approval.

Motion carried 5-0.

**RESCHEDULING THE SEPTEMBER 6, 2004 CITY COMMISSION MEETING**

Mayor Phillips stated that the next regularly scheduled City Commission meeting would be on September 6, which is a national holiday. The City offices will be closed. The Commission needs to choose another date for the first meeting in September.

Commissioner Taylor moved to change the September 6, 2004, City Commission meeting date due to the Labor Day Holiday to Tuesday, September 7, 2004, at 7:30 p.m.

Commissioner Clark seconded the motion. Motion carried 5-0.

**CITY MANAGER’S REPORT**

City Manager Stan Stewart thanked the current and past City Commissions for allowing him to be the City Manager. He also thanked the employees, volunteer groups and churches.

**EXECUTIVE SESSION**

Mayor Phillips stated that an Executive Session is needed to discuss personnel matters.

## **EL DORADO CITY COMMISSION MEETING August 16, 2004**

Commissioner Taylor moved to recess to Executive Session for the purpose of discussing personnel matters and to reconvene the regularly scheduled meeting at 10:30 p.m.

Commissioner Clark seconded the motion. Motion carried 5-0.

### **RECONVENE**

Mayor Phillips reconvened the meeting at 10:30 p.m. She stated that in Executive Session they discussed the process of selecting a new City Manager.

Commissioner Taylor moved to authorize the Mayor to execute a contract with Adam R. Collins to become El Dorado's City Manager for the term beginning August 21, 2004 and ending December 31, 2005.

Commissioner Clark seconded the motion.

Commissioner Shepherd questioned the procedures taken in hiring Mr. Collins. He stated that he feels the Commissioners should have been able to hear goals and ideas and to be involved in the specifics of the contract.

Commissioner Fagg stated that he agreed with Commissioner Shepherd, and the process is an important issue for the community.

Commissioner Taylor stated that Commissioner Shepherd and Commissioner Fagg had the opportunity to access the contract terms but declined.

Mayor Phillips encouraged Commissioner Fagg and Commissioner Shepherd to vote in favor of Mr. Collins. She expressed concerns for the political climate in the City and feels the Governing Body needs to move forward.

Commissioner Taylor stated that the Governing Body needs to show a united front to make the City Manager's job as easy as possible in relating his plans to the Commission and the Commission's plans to him.

Commissioner Taylor called the question.

Commissioner Taylor moved to authorize the Mayor to execute a contract with Adam R. Collins to become El Dorado's City Manager with term of contract to be August 21, 2004 through December 31, 2005, jointly agreed between the majority of Commissioners and Adam R. Collins.

Commissioner Clark seconded the motion.

Commissioner Fagg feels that no matter how the vote goes, the Commission needs to go forward.

Motion carried 3-2. (Commissioner Fagg and Commissioner Shepherd opposed.)

Assistant City Manager Collins stated that he is excited about the opportunity and sees significant challenges.

Mayor Phillips invited everyone to the reception for City Manager Stewart Wednesday, August 18<sup>th</sup> from 4-6 p.m. at the Civic Center.

**EL DORADO CITY COMMISSION MEETING August 16, 2004**

**POLICY REVIEW**

Commissioner Shepherd questioned the selling of items to the City by City Commissioners and would like for that issue to be discussed.

City Manager Stewart stated that there is a policy that addresses that issue.

Commissioner Shepherd stated he feels the policy needs to be reviewed.

**ADJOURNMENT**

Commissioner Taylor moved to adjourn the meeting at 10:52 p.m.

Commissioner Clark seconded the motion. Motion carried 5-0.

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City Clerk Dee Anne Grunder

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Mayor Connie Phillips