

**EL DORADO CITY COMMISSION MEETING MINUTES****August 16, 1999**

The El Dorado City Commission met in regular session on August 16, 1999 at 7:30 p.m. with the following present: Mayor Susan J. Seeber, Commissioner Brian L. Clites, Commissioner Betty Criss, Commissioner Betty J. Kirkpatrick, Commissioner Don Storrer, City Manager Stan Stewart, Director of Administration Gus Collins, City Engineer Bruce Remsberg, City Clerk Janet L. Arnold, City Attorney Mike Coash.

**VISITORS**

William L. Gray	1401 Terrace Drive	El Dorado, Kansas
Lillian F. Gray	1401 Terrace Drive	El Dorado, Kansas
Joseph E. Moreland	1663 Sherrylee Lane	El Dorado, Kansas
Virginia R. Moreland	1663 Sherrylee Lane	El Dorado, Kansas
David A. Shaffer	122 N. High	El Dorado, Kansas
Bill & Lois Griffith	1420 S. High	El Dorado, Kansas
Peggy Schupp	High & Southwest Trafficway	El Dorado, Kansas
Nancy Byers	306 W. Towanda	El Dorado, Kansas
Leon White	1928 Jamaica	El Dorado, Kansas
Norm Manley	116 N. Star	El Dorado, Kansas
Clifford W. Stone	119 S. Taylor	El Dorado, Kansas
Rhoda Hodges		Cassoday, Kansas
Stephen L. Waite	719 Meadow Road	El Dorado, Kansas
Nancy Taylor	1412 Crescent Drive	El Dorado, Kansas
Roy Taylor	1412 Crescent Drive	El Dorado, Kansas
Ed Snodgrass	1343 Country Club Road	El Dorado, Kansas
Blue Eastham	1329 Country Club Road	El Dorado, Kansas
Ernie Gower	150 Eunice Apt. D	El Dorado, Kansas
Vicky Bell	823 E. 12 <sup>th</sup>	El Dorado, Kansas
Brett A. Perry	1605 Sherrylee Lane	El Dorado, Kansas
Ernie Zuech	426 N. Ohio	El Dorado, Kansas
Frank R. Wise	1366 Terrace Drive	El Dorado, Kansas
Tom Biggs	1840 Kendrick Lane	El Dorado, Kansas
Bert Belanger	1000 W. Wilshire	Oklahoma City, OK
Jerry Demo	1424 Crescent Drive	El Dorado, Kansas
David Yearout	1710 Post Court	El Dorado, Kansas
Alex Mitchell	201 N. Main, #1600	Wichita, Kansas
Gary Dryden	1# Limerick	Augusta, Kansas
Lola Ohmes	1305 Country Club Road	El Dorado, Kansas
Jim Ohmes	1305 Country Club Road	El Dorado, Kansas
Mark Myers	540 Prairie Road	El Dorado, Kansas
Dave Rogers	350 Village Road	El Dorado, Kansas
Sharon Counterman	7382 NW 30 <sup>th</sup>	Towanda, Kansas
Betty Hutchins	1360 Terrace Drive	El Dorado, Kansas
Betty Richardson	1316 Terrace Drive	El Dorado, Kansas
Helen Wagner	2608 W. Third	El Dorado, Kansas
Kenneth Wagner	2608 W. Third	El Dorado, Kansas
LeRoy Shoemaker	1375 Country Club Road	El Dorado, Kansas
Glenn and Letha Corfman	1120 S. Summit	El Dorado, Kansas
Loy and Delores Campbell	203 N. Emporia	El Dorado, Kansas
Michael Bellesine	1827 Lawndale	El Dorado, Kansas
Debbie Bellesine	1827 Lawndale	El Dorado, Kansas
Doris Mae Newsom	1321 Terrace Drive	El Dorado, Kansas
Roger D. Tullis	1227 Ford Street	El Dorado, Kansas
June N. Travis	1335 Country Club Road	El Dorado, Kansas
Alta Maddux	753 Harvard	El Dorado, Kansas
Robert Maddux	753 Harvard	El Dorado, Kansas

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Robert Mendoza  
Colin Sharraden

303 N. Taylor  
1116 W. Locust

El Dorado, Kansas  
El Dorado, Kansas

**INVOCATION**

Mr. Mark Summerfield, Associate Pastor of the Assembly of God Church, provided the invocation.

**PLEDGE OF ALLEGIANCE**

Jim Jackson of the American Legion led the Governing Body and the audience in the pledge of allegiance.

**CONSENT AGENDA**

- A. Approval of the August 2, 1999 City Commission Minutes as amended.
- B. Approval of the July 22, 1999 Civic Center Committee/City Commission Minutes.
- C. Approval of August 10, 1999 Work Session Minutes.

Commissioner Kirkpatrick moved the consent agenda, as presented, be approved.

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

**SPECIAL USE PERMIT FOR CHAPEL RIDGE APARTMENTS (TWELFTH AND COUNTRY ROAD)**

City Manager Stewart stated that the Planning Commission held a public hearing on July 29, 1999 regarding a request for a Special Use Permit for an apartment complex with approximately 128 units located at the northeast corner of Twelfth Avenue and Country Club Road. Half of the apartments are proposed to be market rate apartments and the other half would be under the tax credit program. The request was made by ERC Properties. The Planning Commission recommended to the City Commission that the request be denied by a 5-3 vote. The primary concerns of the Planning Commission, as a result of their meeting, was the increased traffic that the apartment complex would generate and the school issue. Mr. Stewart then noted that a protest petition was included in the Governing Body's packets. A special use permit has no provision for a protest petition so the document was included simply to indicate the attitude and thoughts of those residents signing the petition.

Mr. Bert Belanger, representative of ERC Properties, stated that his company has contracted to purchase the property from Coutts Museum Trust. He noted that the Planning Commission denied their request with the reason that "it does not conform with the general standards set forth in the zoning regulations". He then provided an overview of some of the Commissioners reasons for their decisions. He stated that there was considerable discussion regarding the need to create buffers between varying densities of residential uses. Mr. Belanger noted that ERC Properties has proposed, with their application, the creation of a buffer zone of five acres not only on the north side but also along the east side of the property. He indicated that although it was the conclusion of the Planning Commission that the proposed apartment complex does not conform with

the Comprehensive Plan and the Zoning Regulations, in his opinion, the evidence is to the contrary. Mr. Belanger stated that there were several traffic issues the Commissioners discussed. He noted the City staff report stated facts that were not disputed regarding Twelfth Street and its capacity. The staff report also dealt with the capacity for water and sewer at this particular site that were not disputed.

Mr. Belanger then requested that the City Commission consider the existing land use zoning districts around this property as well as the future use plan set forth in the comprehensive plan. He noted that within the general area there is a significant piece of property that is zoned multi-family dwellings and in the property to the south of Twelfth Street is currently three small apartment complexes which are zoned multi-family. Mr. Belanger noted that this is an appropriate use compatible with the uses surrounding it and for those reasons asked the Governing Body to grant the request for a special use permit.

Commissioner Kirkpatrick noted that the Planning Commission's minutes made reference to the issue of the lack of protection for the railroad. She then asked if they had considered fencing, which would keep children from running up on the railroad.

Mr. Belanger stated that it was not a particular requirement in connection with the site plan approval. ERC Properties would be prepared to commit to a parameter fencing for site screening issues as well as security issues.

Mayor Seeber questioned the issue of storm shelters for the facility.

Mr. Belanger noted that there was some discussion at staff level regarding the issue of a storm shelter. He noted that it would be cost prohibitive to commit to an underground storm shelter, but they would certainly provide a reasonable facility.

Commissioner Criss questioned whether the storm shelter would be able to accommodate over 200 people.

Mr. Belanger noted that his company would be willing to explore the storm shelter issue, but since the law does not require it, he could not commit to a storm facility that would shelter several hundred people.

Mayor Seeber noted that ERC Properties had indicated that they would provide a buffer on the north side but asked if any consideration was given to providing a "green space area".

Commissioner Clites questioned the anticipated use for the remainder of the property.

Mr. Belanger noted that his company either plans to develop it in single family dwellings or sell the property in bulk.

Mayor Seeber then asked if there would be a second exit in the apartment facility.

Mr. Belanger stated that this issue was explored. He stated that they would not be opposed to a requirement for an emergency exit.

Mr. Norman Manley, 116 N. Star, stated that he and his clients disagree with the ideas that the proposed development would be compatible with the surrounding area. He noted that the area currently is a low-density area. The proposed facility could possibly have 500 to 700 people, which in his opinion, is not the character of this neighborhood. He noted that the developer has indicated approximately 100 children are expected to reside at the facility. Mr. Manley stated that in his opinion, there is the possibility of 200 students. This would be a great impact on the Grandview Elementary School District.

Mr. Manley also expressed his concern with the children's safety near the railroad. He noted that ERC Properties has done their market analysis and found that El Dorado is a prime candidate for housing. He stated that it is the Governing Body's decision whether this location is an appropriate location. In closing, Mr. Manley noted that El Dorado does need additional housing, but it should be placed in another location.

Mr. Jerry Demo, 1424 Crescent Drive, appeared before the Governing Body to request that since the Planning Commission denied the request of a special use permit, after a meeting that lasted approximately two hours, that the City Commission also deny the request. Mr. Demo noted that the land use element within the City's Comprehensive Plan, specifies how the land should be utilized. The land use element indicates that the Governing Body must minimize the negative impacts of medium to high-density residential and low-density residential land use mix. In his opinion, there is a negative impact when these uses are mixed together. Therefore, it is the City's responsibility to minimize that impact. Mr. Demo further noted that the Comprehensive Plan also indicates that high and medium density residential development should be located conveniently near arterial roads. He stated that according to the land use element, Twelfth Street is a minor arterial road and Country Club Road is a local road.

Mr. Demo further stated that the proposed plan allows for only one point of ingress/egress on to Twelfth Street. He believes that an additional 150 to 200 more automobiles at one point of ingress/egress onto Twelfth Street will create a traffic problem. He stated that the City's land use element suggests that the following areas are strategically zoned for high density residential housing: Central Avenue west of downtown, north of the hospital and in the hospital district as mixed use for residential and office, and McCollum Road. For these reasons, Mr. Demo requested that the application for a special use permit be denied.

Mrs. Robert Travis, 1335 Country Club Road, noted that the area directly east of her is designated for the Coutts Museum. According to the developer of the proposed apartments, it was undecided whether the museum would ever be constructed. She asked where her buffer zone would be located should this same developer decide to purchase this plot of land.

Mr. Belanger stated that should the Museum Trust decide not to construct the Coutts Museum, then ERC Properties has a "right of first refusal". They currently do not have an option to purchase the property. ERC Properties wants some control over what is located on this property. They are not particularly interested in a convenience store at this location.

Mr. Marc Myers, 540 Prairie Road, stated that approximately three years ago, he appeared before the City Commission to request and received approval for a Planned Development District, which included housing and the construction of an additional nine holes to the El Dorado Country Club golf course. At that time he relied on the zoning that was in place which did not include a rent subsidized apartment complex. He then requested that the Governing Body deny this proposal.

Mr. Alex Mitchell, 201 N. Main, #1600, Wichita, Kansas, attorney for the property owner, stated that the proposal before the Governing Body is the first legitimate offer the owner has had for this property. He noted that there would be a safety factor, with the railroad being so close, whether the area is used as multi-family or single family housing. Mr. Mitchell further noted that there is currently a problem with the impact on the Grandview School District and there will continue to be a problem whether the proposed apartment complex is constructed or not. He stated that the problem with Grandview School should be addressed by the school district and should not involve the proposed

uses of this property. Mr. Mitchell stated that all of the standards for issuance of a special use permit have been addressed and satisfied, for these reasons he requested the application be approved.

Mayor Seeber questioned whether the possible need of additional parking had been addressed and whether the overflow from the apartments could use the parking at the Coutts Museum, provided it is constructed.

Mr. Mitchell stated that this particular issue had not yet been addressed.

Commissioner Criss stated that she does not question the need for additional housing in El Dorado and she is not concerned with the impact such housing projects could have on the schools, safety, or traffic counts. Ms. Criss noted that she was concerned with the impact this project might have on area of Twelfth Street and Country Club Road. In her opinion, it is unfair to Mr. Marc Myers, owner of the El Dorado Country Club, since he had reviewed the comprehensive plan when he made his proposal for additional housing three years ago. Ms. Criss closed by stating that should a special use permit be granted in this instance, the City would be deviating from the Comprehensive Development Plan. She further noted that the Planning Commission denied the proposed request, therefore she had not desire to override their decision, even though City staff recommended approval of the application for a special use permit.

Commissioner Criss stated that should the City Commission deny the request for a special use permit, she would be willing to help ERC Properties find an alternate location suitable for such a project. She noted that it is the project under scrutiny, not the location.

Commissioner Clites stated that in his opinion the only reason this property was zoned O-I, Office Institutional was to provide for the construction of Coutts Museum. He agreed with Commissioner Criss on several issues noting that it is unfair to the developers to deviate from the Comprehensive Plan every time this type of project is proposed. Mr. Clites stated that the school issue is not an issue that he believes he can use to oppose the request.

Commissioner Kirkpatrick stated that she appreciates the time and effort the members of the Planning Commission have put into this project, but she had noticed that four of the five members that opposed the request of the special use permit lived within that area. Ms. Kirkpatrick further stated that whether it is round table discussions, open forum discussions, etc., housing is always a primary issue. She stated that she had her eight reasons that this would be a good project and believed it would be an attractive addition to the area.

Commissioner Storrer noted that he was in favor of a special use permit as opposed to a zoning change since restrictions can be included in the approval of a special use permit. He proposed putting restrictions on the property such as fencing and the area to the north be R-1 Residential. He stated that because of the need of housing within the El Dorado area, he is in favor of the proposed request.

Mayor Seeber thanked everyone for their participation in the signing of the petitions. She noted that as a result of the Planning Commission meeting the primary concerns were: traffic safety and the issue of the Grandview School. She noted that she had visited with City Manager Stewart and City Engineer Remsberg and City staff does not believe there will be a traffic hazard within this area. City staff can address whatever traffic needs should come up with signs, traffic lights, etc. The neighborhood school situation has been a topic of priority within the community for many years. Ms. Seeber stated that she was very confident with the new superintendent and the new school board and that they

will make whatever responsible decisions needed to handle an influx of children with the least amount of inconvenience to those children and their families.

Mayor Seeber then provided the eight factors that are used to determine a change.

1. The character of the neighborhood; (The extent to which the amendment may detrimentally affect nearby property.): Mayor Seeber stated that the property is residential, single-family, multi-family, and a golf course. She believes the best use of the property is residential whether it is single or multi-family dwellings.
2. The zoning and uses of properties nearby: Mayor Seeber stated that the surrounding area is mainly residential; multi and single family dwellings.
3. The suitability of the subject property of the uses to which it has been restricted: Mayor Seeber stated that the original intent was for the museum, which is why the property was, zoned O-I, Office Industrial. Since then those plans have changed and is no longer an issue.
4. The extent to which removal of the restrictions (or change of zone) will detrimentally affect nearby property: Mayor Seeber does not believe approval of the proposed request would be a detriment provided the setbacks and other requirements are followed as set out by the commission and City staff.
5. The length of time the property has remained vacant as zoned: Mayor Seeber stated this is not applicable.
6. The relative gain to the public health, safety and welfare by not rezoning the property as compared to the hardship imposed on the property owner: Mayor Seeber stated that it is the Commission's responsibility to address the gain or loss to the entire community and not just a select few. She does not believe the denial of this request, based on the surrounding neighborhood, would be fair to the entire community's gain or loss. The community has a significant need for affordable housing.
7. The recommendation of staff: Mayor Seeber stated that City staff has recommended this without hesitation.
8. Compliance with the Comprehensive Plan: Mayor Seeber stated that the Governing Body's decision should be based on facts, the consideration of long range goals, and on the land use, not approving or denying the request to accommodate a few people.

Mayor Seeber stated that she does not take lightly overriding the Planning Commission's recommendation, but since City staff recommended approval, this was the right thing to do.

Mayor Seeber moved that in the case of the Special Use Permit for the Chapel Ridge Apartment Complex at Twelfth and Country Club, the City Commission overrule the recommendation of the Planning Commission and grant the Special Use permit for the above eight reasons with the additional requirements: construction of a fence on the west, north, and east sides of the property consistent with the fence that Mr. Myers has had constructed along Country Club Road, an additional emergency exit to be determined and approved by City staff, add a green space buffer in addition to the single family housing on the north side, and that a storm shelter be provided for residents and that Resolution No. 2232, A RESOLUTION SETTING OUT THE FINDINGS OF THE CITY OF EL DORADO IN SPECIAL USE CASE NO. 99-05 be adopted.

Commissioner Kirkpatrick seconded the motion.

Commissioner Clites asked, should this request be approved, whether ERC Properties has to have an audit performed in order to continue to meet all the requirements.

Mr. Belanger noted that at the completion of the project there is a cost certification to make sure all financing proceeds were used to construct the property as proposed to the Kansas Department of Housing and Commerce (KDOCH). KDOCH also conducts, on behalf of the IRS, annual audits to insure that people that meet the income criteria are occupying the 64 tax credit units.

Commissioner Clites then asked if the audits expire at the termination of the contract.

Mr. Belanger noted that the tax credit period is actually ten years, but the compliance period is 15 years. They have an extended use agreement with KDOCH that requires that those 64 units be maintained as affordable housing for an additional fifteen years.

The motion carried 3-2.

**GRANT APPLICATION**

Director of Administration Collins stated that the City of El Dorado is considering submitting a CDBG Grant Application to the State of Kansas to assist in the funding of certain improvements within the community. This consideration needs the approval of the City Commission and requires a public hearing. This successful application would provide the City with funds to remove architectural barriers and make the restrooms within the City's parks handicap accessible in order to comply with the Americans with Disabilities Act (ADA). The total cost of the park improvements is \$186,000 the application would be for \$93,000.

**PUBLIC HEARING**

Mayor Seeber opened the public hearing regarding the grant application.

Ms. Kathryn Donovan, representative of the Butler County Americans with Disabilities Act Advisory Board, appeared before the Governing Body to express their support with this grant application.

With no one else appearing before the Governing Body, Mayor Seeber declared the public hearing closed.

Commissioner Criss moved to authorize the Mayor to execute the CDBG Community Improvement Grant Application to the State of Kansas to assist in the funding of park improvements at a total project cost of \$186,000 requesting grant monies of \$93,000.

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

**RESOLUTION NO. 2233 – PROVIDING FOR THE CONTINUED OPERATION AND MAINTENANCE OF THE PARK SYSTEM**

**RESOLUTION NO. 2233**

Commissioner Storrer moved that Resolution No. 2233, "A RESOLUTION PROVIDING ASSURANCE TO THE STATE OF KANSAS THAT THE CITY WILL

PROVIDE SUFFICIENT FUNDING FOR THE CONTINUED OPERATION AND MAINTENANCE FOR THE CITY PARKS” be approved.

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

**RESOLUTION NO. 2234 – FOR THE LOCAL COMMITMENT – CDBG GRANT APPLICATION**

**RESOLUTION NO. 2234**

Commissioner Kirkpatrick moved that Resolution No. 2234, “A RESOLUTION PROVIDING A COMMITMENT OF \$111,000 (CONTINGENT UPON THE APPROVAL OF A GRANT APPLICATION WITH THE STATE OF KANSAS) FOR CERTAIN COMMUNITY IMPROVEMENTS WITHIN THE CITY’S PARK SYSTEM,” be approved.

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

**AMERICANS WITH DISABILITIES ACT POLICY REVISION**

Ms. Shaunna Johnson, Planning and Zoning Coordinator for the City of El Dorado appeared before the Governing Body to present the up-dated and revised City’s 1992 ADA Transition and Action Plan.

Mayor Seeber questioned the changes within the up-dated policy.

Ms. Johnson stated that the revised plan provides for an employee section that addresses the policies and procedures for an employee that might request accommodations or assistance. The new plan also included an employee policy complaint form.

Commissioner Storrer moved to adopt the ADA transition action Plan and revised policy.

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

**CIVIC CENTER PROJECT**

City Manager Stewart provided an overview of the Civic Center Project. He noted that the next step is to authorize the preparation of the plans and specifications for this project and provide authorization to solicit bids.

Mr. Terry Nehr, 1240 Glenview Drive, reported that the Civic Center committee had been diligently working with Prigmore Krevins Architects, to determine a construction schedule that would meet the needs of the current tenants.

Mr. Vince Haines, representative of Prigmore Krevins Architects, reported that Phase I and II of the plans for the Civic Center provide for an area for the Chamber of Commerce, a visitors center area, and a large meeting area that will allow for approximately 390 occupants. Mr. Haines then went into further detail regarding Phase I and II by presenting plans for the Governing Body’s review and discussion. They anticipate mailing bids on Friday, August 20, 1999, with the bid letting on September 15, 1999. Construction is scheduled to begin in October, 1999 and they anticipate

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completion of Phase I and II by May 1, 2000. Total construction budget is planned to be \$1,015,000.

City Manager Stewart noted that Dave Mefford, a current occupant of one of the facilities at this location, has secured another location to move his business. The Army Reserves will also relocate to another facility. They have been provided with an advance notice of eight months to vacate the property. Mr. Stewart stated that the Army Reserves had not yet decided on another location.

Commissioner Criss moved that the City Manager be instructed to have plans, specifications and estimate of cost prepared for the renovation of the Civic Center and to solicit bids for this project with the bid opening set for September 15, 1999 at 3:00 p.m.

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

**SPECIAL USE PERMIT AT 1227 FORD STREET**

Mr. Roger Tullis, 1227 Ford Street, stated that he is requesting a special use permit for a 2,000 square foot accessory structure at that location.

City Manager Stewart noted that the Planning Commission recommended this request for approval and also has City staff's support.

**RESOLUTION NO. 2235**

Commissioner Clites moved that in the case of the Special Use Permit for a 2,000 square foot accessory structure at 1227 Ford Street, the City Commission adopt the recommendation of the Planning Commission with the following revisions: that the building adjacent to the proposed building be removed; the exterior of the building present an aesthetic appearance; and that the proposed building be used for personal use only and that Resolution No. 2235, A RESOLUTION SETTING OUT THE FINDINGS OF THE CITY OF EL DORADO IN SPECIAL USE CASE NO. 99-03 be adopted.

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

**SPECIAL USE PERMIT AT 930 SKELLY**

Pastor David Shaffer, 122 N. High and representative of Temple Baptist Church appeared before the Governing Body to request approval for a special use permit for a parking lot at 930 Skelly Street. Pastor Shaffer noted that the Planning Commission had recommended to the City Commission that the request be granted.

Commissioner Kirkpatrick questioned the stipulation that the Planning Commission put on special use permit's approval, specifically that all work shown on the submitted site plan be completed.

Pastor Shaffer stated that the property owners to the south of this lot have just requested that their existing fence be replaced.

Commissioner Kirkpatrick questioned whether there would be a possibility of a drainage problem after these improvements are completed.

City Engineer Remsberg noted that currently there are some problems with drainage at this location. He anticipates this proposed construction to alleviate those problems.

Commissioner Kirkpatrick moved that in the case of the Special Use Permit for a parking lot at 930 Skelly Street, the City Commission adopt the recommendation of the

Planning Commission and that Resolution No. 2236, A RESOLUTION SETTING OUT THE FINDING OF THE CITY OF EL DORADO IN SPECIAL USE CASE NO. 99-06 be adopted.

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

**PROPERTY ANNEXATION**

Mr. Scott Babcock, representative of Magnum Development Corp., appeared before the Governing Body to request approval of the proposed annexation of the property South of 2629 West Central. He then provided the proposed plans for the Governing Body’s review and discussion.

**ORDINANCE NO. G-860**

Commissioner Clites moved that the recommendation of the Planning Commission be accepted and the Ordinance No. G-860, “AN ORDINANCE ADDING TO AND EXTENDING THE CITY LIMITS OF THE CITY OF EL DORADO, KANSAS BY ADDING TO AND ENLARGING AND EXTENDING THE CITY LIMITS TO INCLUDE CERTAIN TERRITORY HEREIN DESCRIBED” be placed on its passage and considered section by section.

Commissioner Criss seconded the motion.

**ROLL CALL**

Mayor Susan J. Seeber	yea
Commissioner Brian L. Clites	yea
Commissioner Betty Criss	yea
Commissioner Betty J. Kirkpatrick	yea
Commissioner Don Storrer	yea

**REZONING OF ANNEXED PROPERTY**

City Manager Stewart noted that the Planning Commission recommended to the City Commission that the request for the rezoning of the property south of 2629 W. Central as C-1 (Commercial-General) District be approved.

**ORDINANCE NO. G-861**

Commissioner Kirkpatrick moved that the recommendations of the Planning Commission be accepted and the Ordinance No. G-861, “AN ORDINANCE AMENDING PORTIONS OF THE ZONING REGULATIONS OF THE CITY OF EL DORADO, KANSAS, AS HEREINAFTER DESCRIBED,” be approved.

Commissioner Clites seconded the motion.

**ROLL CALL**

Mayor Susan J. Seeber	yea
Commissioner Brian L. Clites	yea

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Commissioner Betty Criss	yea
Commissioner Betty J. Kirkpatrick	yea
Commissioner Don Storrer	yea

**REZONING OF 400/424 WEST CENTRAL**

Mr. David Yearout, 1710 Post Court, appeared before the Governing Body on behalf of the First Presbyterian Church, to request a zoning change at 400/424 W. Central. This is currently Pauline’s Flowers. The intended purchase of this facility was to accommodate the expansion the church activities, particularly in regard to the youth ministry and the youth effort within the church. He noted that remodeling and renovation of the building is planned. The recommendation of City staff was to request a rezoning from C-1 (Commercial-General) District to O-I (Office-Institutional) District and a special use permit for an apartment at 424 West Central.

**ORDINANCE NO. G-862**

Commissioner Storrer moved that the recommendations of the Planning Commission be accepted and the Ordinance No. G-862, “AN ORDINANCE AMENDING PORTIONS OF THE ZONING REGULATIONS OF THE CITY OF EL DORADO, KANSAS, AS HEREINAFTER DESCRIBED,” be placed on its passage and considered section by section.

Commissioner Kirkpatrick seconded the motion.

**ROLL CALL**

Mayor Susan J. Seeber	yea
Commissioner Brian Clites	yea
Commissioner Betty Criss	yea
Commissioner Betty J. Kirkpatrick	yea
Commissioner Don Storrer	yea

**SPECIAL USE PERMIT**

Commissioner Criss moved that in the case of the Special Use Permit for an apartment at 424 W. Central, the City Commission adopt the recommendation of the Planning Commission and that Resolution No. 2237, A RESOLUTION SETTING OUT THE FINDINGS OF THE CITY OF EL DORADO IN SPECIAL USE CASE NO. 99-08 be adopted.

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

**REZONING AT THE SOUTHEAST CORNER OF THE SOUTHWEST TRAFFICWAY AND HIGH STREET**

Ms. Peggy Schupp, appeared before the Governing Body to request a zoning change at the southeast corner of the Southwest Trafficway and High Street from I-1 (Industrial-Light) District to R-1 (Residential-Low Density) District to place a manufactured house at this location.

Mayor Seeber stated that the Planning Commission recommended to the City Commission that this request be approved.

**ORDINANCE NO. G-863**

Commissioner Clites moved that the recommendations of the Planning Commission be accepted and the Ordinance No. G-863, "AN ORDINANCE AMENDING PORTIONS OF THE ZONING REGULATIONS OF THE CITY OF EL DORADO, KANSAS, AS HEREINAFTER DESCRIBED," be placed on its passage and considered section by section.

Commissioner Kirkpatrick seconded the motion.

**ROLL CALL**

Mayor Susan J. Seeber	yea
Commissioner Brian L. Clites	yea
Commissioner Betty Criss	yea
Commissioner Betty J. Kirkpatrick	yea
Commissioner Don Storrer	yea

**PROJECT NO. 906 – PAVING OF OIL HILL ROAD FROM SIXTH TO HAVERHILL**

City Manager Stewart stated that the City had received a grant from the State of Kansas to fund a portion of this improvement. At the July 19, 1999 meeting the City Commission passed a Resolution of Necessity ordering in this project. This resolution was subject to a 20-day protest period, which has now expired. Construction would begin soon, if the City Commission approves this.

Commissioner Storrer moved that the City Manager be instructed to have plans, specifications and estimate of cost prepared for the paving of Project No. 906.

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

**PROJECT NO. 919 – PAVING GORDY STREET FROM SIXTH TO NINTH**

City Manager Stewart stated that a petition for this work was filed earlier this year and plans and specifications were then ordered to be prepared. The project is now ready to bid.

Commissioner Kirkpatrick moved that the City Engineer's plans, specifications and estimate of cost amounting to \$255,000 for Project No. 919 as filed by the City Engineer in the City Clerk's Office on August 13, 1999, be approved and that the City Manager solicit bids for the construction of Project No. 919 and that the bids be considered at the regular meeting on September 7, 1999.

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

**2000 OPERATING BUDGET AND SIX-YEAR CAPITAL IMPROVEMENT PLAN**

**PUBLIC HEARING**

Mayor Seeber opened the public hearing on the 2000 Operating Budget and Six-year Capital Improvement Plan.

Mayor Seeber questioned the other charges on the Civic Center.

Director of Administration Collins stated that after discussion with City staff and the Chamber it is anticipated that funds would be needed for promotions, advertising, and other items of this nature, specifically for the first year of operation.

Mayor Seeber then questioned the lack of revenue detail.

Director of Administration Collins noted that revenues had been completed and would be provided to the Governing Body.

Mayor Seeber then questioned whether the approval could be postponed until the revenue detail could be reviewed.

Director of Administration Collins stated that the budget needed to be approved by August 15, 1999.

Mayor Seeber noted that she was not comfortable approving the budget without first reviewing the revenue detail. She suggested that in future years, the budget process begin earlier.

With no one else appearing before the Governing Body, Mayor Seeber declared the public hearing closed.

Commissioner Clites moved to adopt the 2000 operating budget and six-year capital improvement plan in the gross amount of \$14,515,931, requiring a tax levy of 42.536 mills and to certify the same to the county clerk.

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

**BUDGET 2000 ORDINANCE**

City Manager Stewart stated that this ordinance provides for authorization to utilize property tax revenues in excess of revenues in the 1999 budget.

**ORDINANCE NO. 1073**

Commissioner Criss moved that Ordinance No. S-1073, "AN ORDINANCE ATTESTING TO THE POSSIBLE INCREASE IN TAXES LEVIED FOR BUDGET YEAR 2000 NECESSARY TO FUND PUBLIC SERVICES," be approved.

Commissioner Storrer seconded the motion.

**ROLL CALL**

Mayor Susan J. Seeber	yea
Commissioner Brian L. Clites	yea

**EL DORADO CITY COMMISSION MEETING MINUTES**

**August 16, 1999**

Commissioner Betty Criss	yea
Commissioner Betty J. Kirkpatrick	yea
Commissioner Don Storrer	yea

**NATIONAL LEAGUE OF CITIES – NOVEMBER 30 THROUGH DECEMBER 4**

City Manager Stewart stated that a National League of Cities Conference is scheduled for November 30, 1999 through December 4, 1999.

Commissioner Kirkpatrick stated that the City of El Dorado’s travel policy requires that if a Governing Body member is to attend any out-of-state conference, it must be approved at the commission level. She has consistently been against the City’s participation at the National League because, in her opinion, she has yet to see any results of those meetings directly benefit the city of El Dorado. She does not believe that taxpayer’s money should be used to fund trips for City officials to attend this conference. Ms. Kirkpatrick further noted that she approves the City’s participation at the Kansas League of Municipalities meetings and believes it is a worthwhile conference for the city of El Dorado.

Commissioner Clites questioned whether City officials had attended this conference in the past.

City Manager Stewart stated that, to his knowledge, only one official from El Dorado had attended in the past thirteen years.

Mayor Seeber questioned whether, in City staff’s opinion, it was worthwhile.

City Manager Stewart stated that City staff had not discussed it overall. In his opinion, any activity that an elected official can attend along with other elected officials throughout the country would result in positive benefits to the city of El Dorado.

Mayor Seeber moved to authorize and approve the Mayor and the City Manager or their designees to attend the National League of Cities meeting held November 30 through December 4, 1999 to be held in Los Angeles, CA.

Commissioner Criss seconded the motion and it carried 4-1, Commissioner Kirkpatrick opposed.

**RESCHEDULE CITY COMMISSION MEETING**

Mayor Seeber stated that the next regularly scheduled City Commission Meeting is scheduled for Monday, September 6, 1999. City offices will be closed that day to observe the Labor Day holiday.

Commissioner Kirkpatrick moved to reschedule the September 6, 1999 City Commission Meeting to Tuesday, September 7, 1999 at 7:30 p.m.

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

**MISCELLANEOUS**

**TAX LID LAW**

City Manager Stewart stated that the Kansas State legislature did not renew the Tax Lid Law. He wanted to note that it is not the State legislature that is keeping the property taxes low; it is the local governing body members.

**WORK SESSION**

City Manager Stewart noted that a work session is scheduled for August 24, 1999 at 11:30 a.m.

**ADJOURNMENT**

The meeting adjourned at 10:21 p.m.

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**Janet L. Arnold, City Clerk**

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**Susan J. Seeber, Mayor**