

The El Dorado City Commission met in regular session on Monday, August 18, 2003 at 7:30 p.m. in the Commission Room. The following were present: Mayor Connie Phillips, Commissioner Oral Taylor, Commissioner Linda Clark, Commissioner Brian Shepherd, Commissioner Mike Fagg, Assistant City Manager Gus Collins, City Engineer David Wagner, Interim City Clerk Shaunna Johnson, and City Attorney Mike Coash.

VISITORS

Larry Seivley	1940 Lakeland Drive	El Dorado, Kansas
Anita Seivley	1940 Lakeland Drive	El Dorado, Kansas
Verlee Adam	1426 Edgemoor Drive	El Dorado, Kansas
Faye Wilson	512 W. 12 th Avenue	El Dorado, Kansas
Shannon Thom	205 Champa	Pratt, Kansas
Chet McCoy	336 Simpson Road	El Dorado, Kansas
James L. Cook	719 Fredrick Drive	El Dorado, Kansas
Rev	302 N. Denver	El Dorado, Kansas
Jerry Blount	131 N. Hillside	El Dorado, Kansas

INVOCATION

Father Nolan provided the invocation.

PLEDGE OF ALLEGIANCE

Ms. Johnson led the Governing Body and the audience with the pledge of allegiance.

PERSONAL APPEARANCE

Jerry Blount, 131 N. Hillside, requested that the City Commission continue taping and broadcasting the City Commission Meeting until everyone has left the commission room rather than stopping the tape once the meeting has adjourned. He indicated that would give citizens an opportunity to be aware of the conversations that occur after the meeting has been completed. Mr. Blount also requested that the City Commission consider taping the work sessions. He said that it was hard to get accurate information and that taping would help with accuracy. Mayor Phillips thanked Mr. Blount for appearing.

Assistant City Manager Gus Collins indicated that Mr. Edwards had requested to be on the agenda under personal appearance. Mr. Edwards did not appear.

CONSENT AGENDA

- A. Approval of the August 4, 2003, City Commission minutes.
- B. Approval of the August 13, 2003, Work Session minutes.
- C. Approval of Resolution No. 2428, a resolution to renew Butler County as a designated non-metropolitan region of the Kansas Enterprise Zone Act, to allow participation in economic development programs.
- D. Approval of changing the September 1, 2003, City Commission meeting date due to Labor Day Holiday to Tuesday, September 2, 2003, at 7:30 p.m.

- E. Approval of Resolution No. 2427 for the issuance of Temporary Note no. 1869, in the amount of \$3,484,000.
- F. Approval of Ordinance No. S-1171, providing for amending and correcting Ordinance No. S-1168, which refers to Project No. 989.
- G. Approval of the 2003 Cereal Malt Beverage license applications as listed: Jump Start, 1631 West Central (new ownership)

Commissioner Shepherd moved that the Consent Agenda, as revised be approved.

Commissioner Clark seconded the motion.

HOUSING INSPECTOR/RISK ASSESSOR- SOUTH MAIN CDBG PROJECT

Mayor Phillips noted that the South Main CDBG project requires the selection of a housing inspector/risk assessor. The Commission appointed a Housing Board to solicit bids. Three proposals were received for consideration.

PRESENTATION OF REQUEST

City of El Dorado Grant Administrator, Shannon Thom, was present to discuss this issue. Ms. Thom indicated that the housing portion of the grant provides funding to rehabilitate approximately 20 homes adjacent to the South Main area. As part of this process, the grant requires the City of El Dorado to hire a housing inspector/risk assessor. Bids were solicited and three proposals were received. The Housing Board then reviewed the bids and recommended Tom Chavey, Inc. of Manhattan, Kansas.

Mayor Phillips asked Ms. Thom if these services could be done in-house.

Ms. Thom said no and pointed out that the State requires this to be done by an outside agency but does pay the cost of this service through the grant funds awarded to the City.

Commissioner Taylor asked Ms. Thom how many bids were sent out.

Ms. Thom stated there were five bids.

Commissioner Taylor moved to select the firm of Tom Chavey, Inc to provide the Housing Inspector/Risk Assessor services in conjunction with the South Main Grant project.

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

SPECIAL USE PERMIT FOR AEROSOL RECYCLING SERVICES, INC – RESOLUTION 2429

Mayor Phillips stated that the Planning Commission reviewed the special use permit requests for Aerosol Recycling Services, Inc. to be located at 205 Metcalf or Lot 21 of Industrial Park. The applicant, Walter Gonzales, desired to locate a mixed use recycling facility at either the Metcalf or Industrial Park location. She pointed out that he would like his business to be considered and approved for both locations.

Ms. Johnson stated that the Planning Commission has been reviewing this request since May and had spent the last three months researching this company's operation. The Planning Commission tabled this item twice and held a work session on the issue to discuss the topic further. She pointed out that the Planning Commission, at their August 11, 2003 meeting, recommended to the City Commission denial of the Metcalf location and approval of the Industrial Park location. Ms. Johnson stated the Planning Commission were not comfortable with the Metcalf location with its close proximity to commercial and residential areas and believed that this type of operation was more suitable in the Industrial Park.

Larry Powell, Economic Development Director for Butler County, said that he had been acting as the representative for the applicant, Walter Gonzales. Mr. Powell explained the process Mr. Gonzales was intending to use during his operation and pointed out that this operation did require permits through the Kansas State Health and Environment. He also indicated that Mr. Gonzales intended to hire 12 to 15 employees right away having two shifts. Starting salary was approximately \$9/hr with benefits.

Larry Seivley, 1940 Lakeland Drive, and owner of Seivley's Garden Center, stated that he had some concerns with this type of operation being located next to his business. He pointed out that he doesn't know much about this type of recycling process and is concerned how it might affect his plant production. Mr. Seivley also expressed concerns with traffic, potential odors, and lighting and indicated that these things could have negative effects on his business.

Discussions continued with the City Commission, Larry Powell, and Larry Seivley regarding the process this company intended to use. The City Commission expressed their understanding of Mr. Seivley's needs and wanted to make sure if this operation would be allowed on Metcalf that all of Mr. Seivley's concerns would be addressed.

Jerry Blount, 131 Hillside, stated that he was supportive of this business being located on Metcalf. He wanted to see the building cleaned up and occupied. Mr. Blount also stated that he had spoken with the realtor concerning the Metcalf location. He indicated that the realtor made it very clear that Mr. Gonzales was only really interested in the Metcalf location and if he didn't get that approved he wouldn't come. Mr. Blount hoped that the City Commission would take that into consideration when making their decision.

The City Commission discussed their interest in locating another business in El Dorado while still being able to protect Mr. Seivley's business. They indicated that EPA, KDHE, and the Fire Department need to be trusted to take care of the technical issues. The City Commission discussed the Industrial location site and were more comfortable with that site. The Metcalf location raised some concerns because of the close proximity to Mr. Seivley's business that needed to be addressed prior to them approving that location.

RESOLUTION NO. 2429

Commissioner Taylor moved that Resolution No. 2429, a resolution providing for the special use request to allow a mixed recycling business to be located at Lot 21 of the Industrial Park, be approved.

Commissioner Clark seconded the motion and it carried 5 to 0.

CONSTRUCTION OF STREET AND SANITARY SEWER IN POTTER'S SECOND ADDITION

Mayor Phillips stated that the developer of Potter's Second Addition has filed a petition to provide for the construction of Sanitary Sewers (Project No. 217), and Paving (Project No. 218) in Potter's Second Addition. She stated that the petition for the

construction of this addition had been signed by 100% of all owners of the lots in the improvement district and is sufficient.

ACCEPTING THE PETITION AND RESOLUTION OF ADVISABILITY/RESOLUTION AUTHORIZING IMPROVEMENT COMBINED

Commissioner Shepherd moved that the Report of Sufficiency be accepted for Project No. 217, for Sanitary Sewer District no. 174, and Project No. 218, for Paving Streets, in Potter’s Second Addition, and that Resolution No. 2430, and Resolution No. 2431, respectively, both are a resolution of finding as to advisability and resolution authorizing improvement combined, be adopted, and further move that the City Manager be instructed to take bids after plans, specification, and estimate of cost are prepared.

Commissioner Fagg seconded the motion and it carried 5 to 0.

VACATION OF EASEMENT IN MYERS ADDITION

Mayor Phillips stated that the property owner of 1816 Hazlett had requested a vacation of a portion of the easement along the south side of this property. This portion of the easement does not contain any utilities.

City Engineer, David Wagner, indicated that he had received this request and sees no problem with approving this request. He pointed out that the owner would like to extend his garage.

Commissioner Taylor asked Mr. Wagner if the utility companies have agreed with vacating this easement.

Mr. Wagner stated that Westar Energy was concerned that there was an underground transformer in this portion of this easement. He explained that the Engineering Department had verified that there were no utilities within this easement and that Westar Energy’s concern had been addressed.

ORDINANCE NO. S-1172

Commissioner Shepherd moved that Ordinance No. S-1172, an ordinance that provides for the vacation of the north 5 feet of existing 15-foot easement, except the east 10 feet, of Lot 22, Block B, Myers East Addition, be approved.

Commissioner Taylor seconded the motion.

ROLL CALL

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

MISCELLANEOUS

WORK SESSION

A work session was scheduled for Wednesday, August 27, 2003 at 3:30 p.m.

SALES TAX

The Sales Tax Force will be holding a public hearing regarding sales tax on Thursday, August 21, 2003 from 7:00 to 9:00 in the City Commission room.

COMMISSIONER FAGG

Commissioner Fagg questioned whether we have anyone from the honor camp working for us. Assistant City Manager Gus Collins indicated that we have had some working in the Recycling Center. Commissioner Fagg thought we should pursue having more from the honor camp working for the city. He also suggested that we look at exploring the possibilities of utilizing the Southwest Trafficway for the truck route.

COMMISSIONER SHEPHERD

Commissioner Shepherd commented that there were a lot of tall weeds along West Central that needed to be removed. Assistant City Manager indicated that he would look into it.

ADJOURNMENT

Interim City Clerk Shaunna Johnson

Mayor Connie Phillips