

The El Dorado City Commission met in regular session on August 20, 2001. The following were present: Mayor Connie Phillips, Commissioner Oral Taylor, Commissioner Betty Criss, Commissioner Brian Shepherd, Commissioner Brian L. Clites, City Manager Stan Stewart, Assistant City Manager Gus Collins, City Engineer David Wagner, City Clerk Janet L. Arnold, City Fire Chief Brad Smith, and City Attorney Mike Coash.

**VISITORS**

Mary Jean Brickley	10299 NW HWY 77	Burns, Kansas
John & Christine Brickley	10299 NW HWY 77	Burns, Kansas
Jonathan Brickley	10299 NW HWY 77	Burns, Kansas
Steven L. Bentz	924 N. Topeka, #204	El Dorado, Kansas
Mary E. Bentz	924 N. Topeka, #204	El Dorado, Kansas
Becky Humig	627 S. Star	El Dorado, Kansas
Mary Walker	522 N. Denver	El Dorado, Kansas
Tassie Augustine	2215 Potters Court	El Dorado, Kansas
Ron Chiles	839 Charron Drive	El Dorado, Kansas
Elmer F. Rohr	924 N. Topeka, #102	El Dorado, Kansas
Vickie Maddox	1810 Lakeland Drive	El Dorado, Kansas
Brian Maddox	1810 Lakeland Drive	El Dorado, Kansas
Rev. Bill O’Connell	337 N. Topeka	El Dorado, Kansas
Patricia Spiller	924 N. Topeka, E-3	El Dorado, Kansas
Scott Gilbert	924 N. Topeka, E-3	El Dorado, Kansas
Daniel & Katherine Daines	924 N. Topeka, #306	El Dorado, Kansas
Richard Edds	1815 Quail Run	El Dorado, Kansas
Matt Jacobs	El Dorado Times	El Dorado, Kansas
Don Brickley	515 N. Washington	El Dorado, Kansas
Jean Brickley	515 N. Washington	El Dorado, Kansas
Tyler Brickley	10299 NW HWY 77	Burns, Kansas
Sam McVay, Jr.	3117 E. 55 <sup>th</sup> Street S.	Derby, Kansas
Amy McVay	3117 E. 55 <sup>th</sup> Street S.	Derby, Kansas
Andy Brickley	10299 NW HWY 77	Burns, Kansas

**INVOCATION**

Rev. Bill O’Connell provided the invocation.

**PLEDGE OF ALLEGIANCE**

Ms. Katherine Augustine, representative of the El Dorado Senior Center led the Governing Body and audience in the pledge of allegiance.

**PROCLAMATIONS**

**Constitution Week, DAR**

Commissioner Shepherd read the proclamation that declares the week of September 17, 2001 through September 23, 2001 as Constitution Week.

**CONSENT AGENDA**

- A. Approval of the August 6, 2001, City Commission Minutes.
- B. Approval of the August 15, 2001, Budget Work Session Minutes.

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

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

**EXPIRATION OF SPECIAL USE PERMIT NO. 00-22**

City Planning Coordinator Shaunna Johnson stated that on July 17, 2000, the City Commission approved a special use permit request at 924 N. Topeka. This request was for an oversized accessory structure with the condition of lowering the side walls from 15' to 12' in height and reconstructing the retaining wall on the East property line. The property owner, John Brickley, has failed to comply with these requirements. As per Article 10, Section 5, Paragraph B of the Zoning Regulations of the City of El Dorado, the Special Use Permit has expired because no building permit was requested or issued and no work has been accomplished within 12 months of granting the Special Use Permit.

Mr. John Brickley, 10299 NW HWY 77, Burns, Kansas, noted that he had not complied with the Governing Body's request, therefore he would demolish the structure within 30 days.

Commissioner Taylor moved to revoke Special Use Permit No. 00-02, for the property and building located at 924 North Topeka.

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

**DEMOLITION/CONDEMNATION OF PROPERTY AT 924 N. TOPEKA**

City Building Inspector Robert Mendoza stated that the Code Enforcement Department of the City of El Dorado has determined that the structure located at 924 North Topeka is considered unsafe and a dangerous structure. City staff is requesting a public hearing to be set for the October 1, 2001 City Commission meeting.

Mr. John Brickley stated that he does not understand how this facility could be considered a dangerous or unsafe structure. He noted that the City has informed him that there are several violations, but he has not yet received any of the violations with the exception of the fire code violations.

When questioned why the public hearing would not be held until October 1, 2001, City Building Inspector Mendoza noted that the public hearing had to be published in the official city's newspaper twice within a two-week period. The date of the public hearing had to be at least 30 days after the second publication, therefore the public hearing was set for the City Commission meeting scheduled for October 1, 2001.

City Manager Stewart noted that he was one of the City officials present when the facility was inspected the second time. This is not a facility that can be overlooked because there are numerous safety issues that need immediate attention.

Several residents appeared to express their concerns in regard to this facility. Some noted that in their opinion this building was not dangerous or unsafe, others questioned the length of time it has taken City staff to provide Mr. Brickley with a list of violations and did not understand why this had not been a problem before.

Commissioner Taylor moved to set the public hearing on October 1, at 7:30 p.m. to determine if the structure located at 924 North Topeka is deemed unsafe and dangerous.

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

**PUBLIC HEARING – 2002 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 2002 Budget. Staff provided a brief review of the proposed 2002 Budget.

Mayor Phillips opened the public hearing regarding the operating budget and six-year capital improvement program.

Bradford Memorial Library Director Mary Walker appeared before the Governing Body to thank the mayor, commissioners, and Assistant City Manager Collins for their assistance with the budget.

With no one else appearing in regard to the public hearing, Mayor Phillips declared the public hearing closed.

Commissioner Criss moved to adopt the 2002 Operating Budget and six-year Capital Improvement Plan in the gross amount of \$16,114,750.00, requiring a tax levy of 43.099 mills and to certify the same to the County Clerk.

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

**PROJECT NO. 966 – SANITARY SEWERS TO SERVE CRISS SEVENTH PHASE I**

Mayor Phillips stated that at the last meeting, the City Commission directed that bids be taken on this project.

**ORDINANCE NO. S-1115**

Commissioner Clites moved that Ordinance No. S-1115, an ordinance authorizing the issuance of bonds of the City of El Dorado, Kansas, in an amount not to exceed \$37,000.00 in payment of the cost or a part of the cost of Project No.966, and providing for the issuance of temporary notes pending the issuance of such bond, be approved.

Commissioner Shepherd seconded the motion.

**ROLL CALL**

Position No. 1	Commissioner Oral Taylor	yes
Position No. 2	Commissioner Betty Criss	abstain

Position No. 3	Commissioner Brian Shepherd	yes
Position No. 4	Commissioner Brian L. Clites	yes
	Mayor Connie Phillips	yes

Motion carried 4-0-1, Commissioner Criss abstained.

**RECEIVING THE BIDS**

Mayor Connie Phillips asked that the bids be spread for the record.

Engineer’s Estimate	\$ 29,496.00
Nowak Const. Co., Inc.	30,496.00
Middlecreek Mining, Inc.	51,629.00

**AWARDING THE CONTRACT**

Commissioner Clites moved that as Nowak Construction Company has submitted the lowest and best bid for Project No. 966 and since their bid of \$30,496.00 was over the Engineer's Estimate, the City Manager shall be directed to award the contract to Nowak Construction Co. subject to negotiation to the Engineer’s Estimate of \$29,496.00 for the construction of said project

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

**PROJECT NO. 937 – PAVING EIGHTH AVENUE (MAIN TO OAK)**

The following action will establish September 17, 2001, as the date for a Public Hearing on Project No. 937 – Paving of Eighth Avenue from Main to Oak Street. This action is in accordance with the street policy set out in Resolution No. 2249 adopted November 1, 1999. Property owners will be notified by mail of the Public Hearing, and an informational meeting will also be held on September 13, 2001, at 7:00 p.m. at the Civic Center.

**RESOLUTION NO. 2346 - ORDERING A PUBLIC HEARING**

Commissioner Criss moved that Resolution No. 2346, ordering a public hearing on the paving of Project No. 937, be adopted.

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

**VACATION OF ELEVENTH (ORIENT WEST TO ALLEY) – RETAIN UTILITY EASEMENT**

Mayor Phillips stated that the property owners north of Eleventh Avenue extending west of Orient have requested that Eleventh Avenue be vacated. The County tax map indicates that this street is vacated, but they cannot provide the City ordinance for proof. KGE and Cox Communications currently have an overhead power line across the property. These companies desire to retain a permanent utility easement to allow their lines to remain. The requesting owners are willing to have the utility easement remain.

**ORDINANCE NO. S-1116**

Commissioner Taylor moved that Ordinance No. S-1116, an ordinance relating to and providing for the vacation of Eleventh Avenue west of Orient in the City of El Dorado, Kansas, be approved with a 20' easement.

Commissioner Criss seconded the motion.

**ROLL CALL**

Position No. 1	Commissioner Oral Taylor	yes
Position No. 2	Commissioner Betty Criss	yes
Position No. 3	Commissioner Brian Shepherd	yes
Position No. 4	Commissioner Brian L. Clites	yes
	Mayor Connie Phillips	yes

The motion carried 5-0.

**MISCELLANEOUS**

**WORK SESSION**

A work session is scheduled for Thursday, August 30, 2001 at 11:30 a.m.

**CITY COMMISSION MEETING**

The next regularly scheduled City Commission meeting is September 4, 2001 at 12:00 p.m. (noon).

**ADJOURNMENT**

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**Janet L. Arnold, City Clerk**

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**Connie Phillips, Mayor**

