

EL DORADO CITY COMMISSION MEETING

September 5, 2006

The El Dorado City Commission met in regular session on September 5, 2006, at 7:00 p.m. in the Commission Room with the following present: Mayor Brian D. Shepherd, Commissioner Linda Clark, Commissioner Michael A. Fagg, Commissioner Steve Pershall, Commissioner Steve Reynolds, City Manager Herbert E. Llewellyn Jr., Field Engineer Scott Rickard, and City Clerk Kendra Porter.

VISITORS

Stacia Boden	8301 E. 21 st North	Wichita, Kansas
David Yearout	1710 Post Court	El Dorado, Kansas
Pat Shaffer	Rt. 1 Box 53	Benton, Kansas
Dale Shaffer	Rt. 1 Box 53	Benton, Kansas
Chuck Jones	5930 SW Prairie Creek Road	Andover, Kansas
Bob Lehman	2023 SW Indianola Road	Benton, Kansas
Linda Jolly	2100 Pico Court	El Dorado, Kansas
Pat McAllister	1944 Belmont	El Dorado, Kansas
Nicole Farber	1004 S. Denver	El Dorado, Kansas
Kurt Bookout	2520 Kacy Court	El Dorado, Kansas
Ralph Lourie	2025 Chelsea Drive	El Dorado, Kansas
Tim Hunter	735 Westview Circle	Andover, Kansas
Corey A. Landreth	1115 S. Summit	El Dorado, Kansas
Riley H. Carrier	1287 SE 40 th St.	El Dorado, Kansas
Dennis Cooke	307 N. Star	El Dorado, Kansas
Harold Haskell	122 Residence	El Dorado, Kansas
Larry Adams	1756 W. Third	El Dorado, Kansas
Frank Kaster	1122 Ellet	El Dorado, Kansas
Leonard & Nellie Smith	601 N. High	El Dorado, Kansas
Gerald Watson	125 N. Summit	El Dorado, Kansas
Jennifer Joiner	1401 Edgemoor	El Dorado, Kansas

CALL TO ORDER

Mayor Brian D. Shepherd called the September 5, 2006, City Commission meeting to order.

INVOCATION

The Reverend Bill O’Connell, First Presbyterian Church, opened the meeting with prayer.

PLEDGE OF ALLEGIANCE

Mayor Brian Shepherd led the Pledge of Allegiance.

CITIZEN OF THE MONTH

Commissioner Michael A. Fagg presented Frank Kaster with the Citizen of the Month award.

PERSONAL APPEARANCE

Pat McAllister, 1944 Belmont, read a prepared statement. Mr. McAllister further stated that City Code conflicts with Ordinance No. G-851, and requested this item be addressed on the next City Commission meeting agenda.

CONSENT AGENDA

- a) Approval of the August 21, 2006, City Commission minutes.
- b) Approval of Appropriation Ordinance No. 08-06 in the amount of \$2,263,169.58
- c) Approval of the Engineer's Sixth Pay Estimate dated August 25, 2006, on Project No. 947, Pedestrian/Bicycle Facilities to the Contractor, Cornejo & Sons, in the amount of \$505,105.50.

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

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

EXECUTIVE SESSION

Mayor Brian Shepherd stated the Executive Session is scheduled earlier in the agenda due to the attendance of legal representation. This item is for the purpose of discussing legal issues and confidential data relating to financial affairs or trade secrets of second parties.

Commissioner Linda Clark moved to recess into an Executive Session for the purpose of discussing legal issues and confidential data relating to financial affairs or trade secrets of second parties, and to reconvene the regularly scheduled meeting in the City Commission room at 8:30 p.m.

Commissioner Steve Reynolds seconded the motion.

Mayor Shepherd reconvened the meeting at 8:30 p.m., and stated that no official decisions were made.

SPECIAL USE PERMIT TO ALLOW A RELIGIOUS ORGANIZATION (CHURCH) ON PROPERTY ZONED C-1 GENERAL BUSINESS (CASE NO. 06-004-SUP)

Interim Planning and Zoning Director David Yearout stated that Lee and Elizabeth Luinstra, owners, and Corey Landreth, applicant, requested a Special Use Permit to allow the establishment of a religious organization (church) in a C-1 General Business Zone. The property is located at 2405 West Central, Suite B. Mr. Landreth is associated with the Independent Christian Church and is leasing space from the Luinstra's for the new church until a permanent location can be obtained.

Interim Planning and Zoning Director Yearout stated at the July 27, 2006, Planning Commission meeting, after reviewing the facts in the case and the information submitted at the public hearing, the Planning Commission approved the Special Use Permit for the establishment of the religious organization (church) by a vote of 6 to 0.

Discussion ensued regarding how the special use permit is applied. Interim Planning and Zoning Director Yearout stated the zoning applies to the property, not the applicant. The special use permit is for the applicant, not the property.

Commissioner Linda Clark moved that the recommendation of the Planning Commission to approve Case No. 06-004-SUP requesting a Special Use Permit to allow the establishment of a religious organization/church at 2405 West Central, Suite B, be accepted, and that Resolution No. 2548, be approved.

Commissioner Steve Pershall seconded the motion.

Motion carried 5-0.

PROPOSED AMENDMENTS TO THE SUBDIVISION REGULATIONS

Interim Planning and Zoning Director David Yearout stated the Planning Commission held a public hearing on July 27, 2006, and has recommended certain amendments to the El Dorado Subdivision Regulations. The amendments are to replace Article 5 of the Subdivision Regulations which addresses the Dedication or Reservation of Public Open Space. The recommended new language will establish a fee to be paid at the time of issuance of a building permit for new residential construction.

Discussion ensued amongst the Commissioners and Interim Planning and Zoning Director David Yearout regarding the recommendations of the Planning Commission.

Commissioner Michael Fagg moved to table this item until the next City Commission meeting.

Commissioner Steve Reynolds seconded the motion.

Motion carried 5-0.

RURAL WATER DISTRICT NO. 5 – CONTRACT AMENDMENT

Public Utilities Director Kurt Bookout stated that Rural Water District No. 5 has requested an amendment to their contract with the City of El Dorado. The amendment consists of the placement of a pump station. Mr. Bookout stated that the current contract does not allow a booster pump. Mr. Bookout further stated that he has spoken with Professional Engineering Consultants, and they do not feel a booster pump will cause any problems.

Commissioner Linda Clark moved that the amendment to the contract between Rural Water District No. 5 and the City of El Dorado be approved.

Commissioner Steve Reynolds seconded the motion.

Motion carried 5-0.

PUBLIC HEARING FOR EL DORADO SEWER IMPROVEMENTS (CDBG GRANT) PROJECT NO. 243

Field Engineer Scott Rickard stated that the City Commission established this date as the public hearing for Project No. 243. The Kansas Department of Commerce requires the City to hold a public hearing to discuss the scope of work and estimated costs before applying for the CDBG grant. The project includes: Eight Avenue Lift Station, Manhole Rehabilitation, Insituform, North Main Sewer Interceptor, Tenth Avenue Sewer Improvements, and Douglas Road Sewer Improvements. The City is applying for the CDBG grant to cover \$400,000 of the improvements. The remaining cost will be paid for by sewer revenue bonds.

PUBLIC HEARING

Mayor Brian Shepherd opened the public hearing.

Field Engineer Scott Rickard, stated that the City’s share of the improvements will be financed thru sewer revenue bonds.

Shepherd closed the public hearing.

Commissioner Steve Reynolds moved that the application for the 2007 CDBG Grant for Project No. 243 by the City of El Dorado be approved.

Commissioner Steve Pershall seconded the motion.

Motion carried 5-0.

SET A HEARING DATE FOR PROJECT NO. 906

Field Engineer Scott Rickard stated that Project No. 906 is complete. The City Commission must set a hearing date to spread the costs to the properties involved.

Project No. 906 – Paving Oil Hill Road (Sixth to Haverhill)

Preliminary Estimate	\$900,000.00
Final Cost	\$876,697.91
Improvement District Cost	\$444,345.97
City-at-Large Cost	\$182,351.94
KDOT	\$250,000.00

RESOLUTION NO. 2549

Commissioner Steve Pershall moved that Resolution No. 2549, a resolution for Project No. 906, providing notice of public hearing by this Commission to be held at 7:00 p.m. on the 18th day of September 2006 for the purpose of considering the proposed assessments of the cost of said projects, and direct the City Clerk to publish notice in the official City paper, and further direct individual mailings to each owner liable for the special assessments.

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

KANSAS AIR SERVICE DEVELOPMENT PROGRAM

City Manager Herb Llewellyn stated that the purpose of creating this air service program is to give support to the development of affordable air service in Kansas, to compete with Missouri and Oklahoma for airline service, and to increase tourism and give businesses easier, affordable access. The program is a five-year program and includes a grant from the State of Kansas. The State will fund 75% of the program, with REAP members providing 25% in local matching funds. City Manager Llewellyn further stated that this item was on the May 15, 2006, City Commission agenda and was tabled for further information.

City Manager Llewellyn discussed the advantages and disadvantages of this program. A suggestion was made to reduce the City's funding portion of this program to \$250.

Commissioner Michael Fagg moved that Resolution No. 2550, a resolution supporting the creation of a Kansas Air Service Development program, be approved.

Commissioner Steve Pershall seconded the motion.

Motion carried 5-0.

Commissioner Fagg moved to authorize payment to support the Kansas Air Service Development program in the amount of \$250 for the 2006 calendar year.

Commissioner Pershall seconded the motion.

Motion carried 5-0.

NEW BUSINESS – DISCUSSION ITEMS

Mayor Brian Shepherd opened the floor for the Commissioners' comments.

Commissioner Linda Clark read a prepared statement from Sandy Zieman, Butler County Executive Assistant, to recognize Ken Nakaten and Max Brown for their efforts to assure Jeffrey Failes the opportunity to present a contribution to the Muscular Dystrophy Association on KAKE-TV.

Commissioner Steve Reynolds mentioned that a Youth Commissioner was present earlier in the meeting.

Commissioner Steve Pershall discussed the stop light issue at the Central and Vine intersection. City Manager Herb Llewellyn stated Staff will check on a temporary fix.

Mayor Shepherd read a prepared statement to commend Diane Solorio and Debbie Karst for opening the pool in the evenings for Senior Citizen swim.

Mayor Shepherd read a thank you note from El Dorado Assembly of God Church for a back-to-school donation. Discussion involved the type of donation as being volunteer services.

Mayor Shepherd closed the discussion item section.

PUBLIC COMMENTS

Mayor Brian Shepherd opened the floor for public comments.

Harold Haskell, 122 North Residence, requested no parking signs on the east side of the 100 block of North Residence. Staff will assess the situation. Field Engineer Scott Rickard stated the business is also reviewing the parking situation.

Dennis Cooke, 307 North Star, stated his concerns regarding the compost site. Staff stated the reasons behind some of the current problems with the compost site.

Mayor Shepherd closed the public comments section.

CITY MANAGER REPORT

1. City Manager Herb Llewellyn requested a work session for Monday, September 11, 2006, at 7:00 p.m. in the City Commission room.
2. Commissioner Linda Clark requested information regarding a letter sent to the Corps of Engineers.
3. Commissioner Michael Fagg requested information regarding the football games being shown on Channel 7 versus Channel 20.

ADJOURNMENT

Commissioner Steve Pershall moved to adjourn the meeting at 10:10 p.m.

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

City Clerk Kendra Porter

Mayor Brian D. Shepherd