

EL DORADO CITY COMMISSION MEETING

September 7, 2004

The El Dorado City Commission met in regular session on September 7, 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 Gus Collins, City Engineer Dave Wagner, City Attorney Mike Coash and City Clerk/Finance Director Dee Anne Grunder.

VISITORS

Faye Wilson	512 W. 12 th	El Dorado, Kansas
Jerry & Teri Blount	131 Hillside	El Dorado, Kansas
James Cook	719 Fredrick Drive	El Dorado, Kansas
Rev. Meredyth Bellows	3335 Butter	Wichita, Kansas
Verlee Adam	1426 Edgemoor	El Dorado, Kansas
Pat Hicks	1147 S. Arthur	El Dorado, Kansas
David & Sandy Rogers	350 Village Road`	El Dorado, Kansas
Greg Joyce	1005 Rim Rock	El Dorado, Kansas

CALL TO ORDER

Mayor Connie Phillips called the September 7th meeting to order.

INVOCATION

The Reverend Meredyth Bellows, Chaplain Susan B. Allen Memorial Hospital, opened the meeting with prayer.

PLEDGE OF ALLEGIANCE

City Manager Gus Collins led the Pledge of Allegiance.

PROCLAMATION

Commissioner Shepherd read the Proclamation proclaiming September 2004 as National Alcohol and Drug Addiction Recovery Month.

City Manager Gus Collins gave an overview of the City of El Dorado’s Employee Assistance Program.

CONSENT AGENDA

- a) Approval of the August 16, 2004, City Commission minutes.
- b) Approval of the August 26, 2004, Work Session minutes.
- c) Approval of the Appropriation Ordinance No. 08-04 in the amount of \$1,086,733.03.
- d) Approval of Resolution #2467, establishing the sale date of October 5th for the 2004 General Obligation Bond issue in an amount not to exceed \$4.6 million.
- e) Approval of the Engineer’s Fourth Pay Estimate dated August 24, 2004 on Project No. 221 Twelve Inch Sanitary Sewer Mains and New Sewer Lift Station for Butler County Sewer District #5 to the Contractor, Middlecreek Corporation, in the amount of \$1,100.00.

Commissioner Taylor noted a correction to the August 16, 2004 minutes, (pg. 7 – Ordinance S-1211 needs to include “Commissioner Shepherd seconded the motion.”

Commissioner Fagg asked the term of the bond issue.

City Manager Collins stated it was ten years.

Commissioner Fagg then asked what the current bond rating is.

City Manager Collins stated the rating is an insured AAA.

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

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

RURAL WATER DISTRICT #2 RENEWAL AGREEMENT

Mayor Connie Phillips stated that the City supplies potable water to certain rural water districts. The contract with Rural Water District No. 2 expired in August, but was extended until September 7, 2004. City Staff has negotiated with the District’s attorney on a proposed renewal.

City Manager Collins stated Staff has been negotiating with Rural Water District No. 2. on the renewal of the contract under the new terms and conditions. The City has arrived at a mutually agreeable contract. Rural Water District #2 has been asked to participate in the cost to relocate the pump station. Mr. Collins stated that Rural Water District No. 2 also agreed that the rates would be twice the inside City rate.

Commissioner Fagg asked several questions about the contract agreement with Rural Water District #2.

Commissioner Taylor moved to authorize the Mayor, subject to Rural Water District No. 2’s approval, to sign the water supply contract between the City and Rural Water District No. 2, providing for the supply of water under certain terms beginning September 7, 2004, for a twenty-year period.

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

Commissioner Taylor moved that an agreement between the City and Rural Water District No. 2, providing for the terms of relocating the pump station, be approved, subject to Rural Water District No. 2’s approval.

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

VACATION OF EASEMENTS – IN LOTS 5, 6, AND A PORTION OF 8, BLOCK A, ADLESERGER-SMITH ADDITION

Mayor Phillips stated that City Staff received a request for vacating lots 5, 6, and a portion of 8, Block A, Adlesperger-Smith addition, from the owner of the properties, Mr. David Rogers. Mr. Rogers wishes to combine lots 5 and 6 so that he has the ability to build across the property line. He also wishes to vacate the north 5 feet of the 10-foot easement along the south side of lot 8, to allow him to build 5 feet from his side yard property line.

ORDINANCE NO. S-1212

Commissioner Shepherd moved that Ordinance No. S-1212, providing for the vacation of the west 127 feet of the easement between lots 5 and 6, and the west 127 feet of the north 5 feet of the 10-foot easement along the south side of lot 8, Block A of the Adlesperger Smith Addition, be approved.

Commissioner Clark 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 Connie Phillips	yes

2005 BUDGET

Mayor Phillips stated that at the August 16, 2004, meeting, the City Commission approved the 2005 Operating Budget that required property tax dollars over the 2004 budget total. State law requires an ordinance be approved and forwarded to the County Clerk.

City Clerk/Finance Director Dee Anne Grunder stated that the 2005 State budget forms have been sent to the County. There was an increase in the property tax dollars levied for 2005 over the amount levied in 2004. The Commission is required to pass an ordinance approving the increase over 2004.

ORDINANCE NO. S-1213

Commissioner Clark moved that Ordinance S-1213, an ordinance regarding the property tax levy for the 2005 budget, be approved.

Commissioner Shepherd seconded the motion.

Commissioner Fagg questioned why the State now requires the ordinance.

City Manager Collins stated that the ordinance provides notification to the public.

Commissioner Fagg questioned bonds and the long-term forecast for bond and interest. He questioned possibly refinancing the outstanding bonds.

City Manager Collins stated the City's Financial Advisor studied the possibility of refinancing the bonds, and the savings are not that significant at this time.

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 Connie Phillips	yes

**LEAGUE OF KANSAS MUNICIPALITIES VOTING DELEGATE
REGISTRATION**

Mayor Phillips stated that the annual business meeting of the League of Kansas Municipalities will be held in Topeka, Kansas, on October 2-5, 2004. The City is entitled to three voting delegates and three alternate delegates.

Commissioner Taylor moved to appoint City Manager Gus Collins, Mayor Connie Phillips, and City Engineer David Wagner to be named voting delegates at the annual business meeting of the League of Kansas Municipalities and that City Clerk/ Finance Director Dee Anne Grunder, Commissioner Linda Clark, and Commissioner Mike Fagg be named alternates.

Commissioner Shepherd seconded the motion.

Commissioner Shepherd asked if there was a requirement for the City to belong to the League of Kansas Municipalities. He questioned if they were working for the betterment of smaller cities.

City Manager Gus Collins stated that the City does not have to belong to the League of Kansas Municipalities. He also stated that the issues impact cities of all sizes. The League is very helpful and beneficial in providing assistance.

Motion carried 5-0

SUPPLEMENTAL AGENDA

**S1) CONSTRUCTION OF PHASE II – SANITARY SEWERS IN GRILER
ADDITION – PROJECT NO. 257**

Mayor Connie Phillips abstained from this item.

Vice-Mayor Brian Shepherd stated that the developer has filed a petition to complete additional sanitary sewer work in the Griler Addition. They wish to provide service to lots 1-5 and 32, Block 3. These six lots are accessible from Third Avenue and would provide an opportunity to construct houses as soon as the street is constructed.

Vice-Mayor Shepherd stated that at the August 2, 2004 City Commission meeting, Nowak Construction Company was awarded the contract for Phase I Sanitary Sewers (Project No. 247). The staff recommends that we negotiate and enter a contract with Nowak based on the unit prices received from Phase I. The Engineer's Estimate for the petition was \$27,000.00. The estimate allows a contingency to place the sanitary sewer deeper in the event that they must clear two feet below the existing pipelines. Staff will require that the contractor stay within this budget.

City Engineer Dave Wagner stated that the developer will continue the project at the same unit prices, and there will not be any costs to the City at large.

Commissioner Fagg stated his reasons for voting against the project. He feels it is a risk to the City.

City Commissioner Shepherd stated that he concurred with Commissioner Fagg and feels the City should consider a policy for future developments.

City Engineer Dave Wagner stated that the City is required to install sanitary sewer due to health reasons.

Commissioner Taylor stated that he does not want to discourage developments.

RECEIVING THE PETITION

City Clerk Dee Anne Grunder reported to the Commission that the petition for the construction projects, signed by owners of 100% percent of the total number of lots in the improvement district, is sufficient for Project No. 257.

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

Commissioner Taylor moved that the report of sufficiency be accepted for Project No. 257, for Sanitary Sewer District No. 176, and that Resolution No. 2468, a Resolution of Finding as to Advisability and Resolution Authorizing Improvement combined, be adopted, and moved that Ordinance No. S-1214, an ordinance authorizing the issuance of bonds in the amount not to exceed \$27,000.00 in payment of the cost of Project No. 257, and providing for the issuance of temporary notes pending the issuance of such bond, and further moved that the City Manager be instructed to negotiate a contract with Nowak, based on Project No. 247’s unit prices.

Commissioner Clark seconded the motion.

ROLL CALL

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

CITY MANAGER’S REPORT

City Manager Collins noted the following:

1. Open House for City Hall will be Friday, September 10, 2004 from 3-5:00 p.m. It will include a memorial for September 11th and a dedication ceremony for the lobby Tribute Sculpture.
2. Staff is still working on options based on the Commission’s directions for the signal at First and Main.
3. The next work session will be September 13th at 7:00 p.m.

EXECUTIVE SESSION

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

Commissioner Clark moved to recess to Executive Session for the purpose of discussing legal matters and to reconvene the regularly scheduled meeting at 9:30 p.m. or earlier.

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

RECONVENE

Mayor Phillips reconvened the meeting at 9:30 p.m.

ADJOURNMENT

Mayor Phillips adjourned the meeting at 9:30 p.m

City Clerk Dee Anne Grunder

Mayor Connie Phillips