

EL DORADO CITY COMMISSION MEETING MINUTES September 17, 2001

The El Dorado City Commission met in regular session on September 17, 2001. The following 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, Fire Chief Brad Smith, and City Attorney Mike Coash. City Clerk Janet L. Arnold was absent.

VISITORS

Vince Baker	921 Osage	El Dorado, Kansas
Linda Robertson, Baker	921 Osage	El Dorado, Kansas
R.K. Love	1418 Sunset	El Dorado, Kansas
Steve and Mary Bentz	924 N. Topeka	El Dorado, Kansas
Don and Bonnie Nichols	804 Cherokee	El Dorado, Kansas
Jolene and Gary Anderson	215 S. Taylor	El Dorado, Kansas
Ladislado M. Hernandez	1136 S. Summit	El Dorado, Kansas
Stephen L. Waite	719 Meadow	El Dorado, Kansas
M. Gomez	829 Osage	El Dorado, Kansas
Emiodio Gomez	610 E. Eighth	El Dorado, Kansas
Matthew Wagner	1025 Rimrock Rd.	El Dorado, Kansas
Matt Jacobs	El Dorado Times	El Dorado, Kansas
Rita Terrones	103 E. Eighth	El Dorado, Kansas
Cherise M. Warren	3946 SW Haverhill Rd.	El Dorado, Kansas
Meredyth Bellows		Park City, Kansas

INVOCATION

Chaplain for Susan B. Allen Memorial Hospital, Meredyth Bellows provided the invocation.

PLEDGE OF ALLEGIANCE

Assistant City Manager Gus Collins led the Governing Body and audience with the pledge of allegiance.

PERSONAL APPEARANCES

Fire Chief Brad Smith appeared before the Governing Body and stated that on September 12, 2001 the Fire Department began taking donations for the Kansas Care Survivors Fund and had already received \$9,000.

CONSENT AGENDA

- A. Approval of the September 4, 2001, City Commission Minutes.
- B. Approval of the September 13, 2001, Work Session Minutes.

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

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

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

City Manager Stewart stated that at the August 20, 2001 meeting, this Commission set a Public Hearing Date on Project No. 937 – Paving of Eighth Avenue from Main to Oak Street. This action is in accordance with the street improvement policy described in Resolution No. 2249 and adopted November 1, 1999. The notice of the public hearing was published twice in the El Dorado Times. Property owners were notified by mail of the Public Hearing, and an informational meeting that was held on September 13, 2001 at the Civic Center.

PUBLIC HEARING

Mayor Phillips opened the public hearing regarding the paving of Eighth Avenue.

Several property owners within the benefit district were present at the meeting to express their concerns regarding this proposed paving project. Several noted that they did not understand the benefit to this area to have this street paved and would prefer that it not be scheduled at this time. There were others present that noted they would not be able to afford what would be assessed to their property for the improvements. It was also expressed that the property owners that do not reside in El Dorado, should also be able to sign the protest petition.

Commissioner Clites and Commissioner Taylor both noted that they were concerned with the criteria of selecting and scheduling the streets for paving.

Commissioner Shepherd stated that he did not believe the paving would be a particular benefit to the city at large or the benefit district.

Mayor Phillips declared the public hearing closed.

Commissioner Clites moved that Resolution No. 2352, a resolution setting out the findings and determinations of the Governing Body for the paving of Project No. 937, be adopted.

Commissioner Criss seconded the motion.

Commissioner Clites later withdrew his motion.

The Governing Body then discussed the selection process for the streets to be improved and whether the City should be considered in the percentages for the protest petition since the City owns a large portion within this benefit district. It was noted that this item should be tabled until the Governing Body had the opportunity to have these questions resolved and consider amendments to the current street policy.

Mayor Phillips then moved to table this item until the next regularly scheduled City Commission meeting.

Commissioner Clites seconded the motion.

**SETBACK VARIANCE AT THE NORTHWEST CORNER OF SECOND
AVENUE AND GORDY STREET**

Planning Director Shaunna Johnson appeared before the Governing Body to explain that Gerald Haines, the applicant, rezoned the property located at the northwest corner of

Second Avenue and Gordy Street from Multi-Family to Multi-Family Planned Development in February of 2001 with the intentions to construct townhouses. Ms. Johnson further explained that rezoning the property to a Planned Development District offered flexibility with setbacks. Originally, Mr. Haines platted the side yard with a 25-foot setback. He is now requesting to reduce this side yard setback from 25 feet to 15 feet. The side yard of this property is Gordy Street. Zoning Regulations do require a 25-foot side yard setback when the side yard is adjacent to a street but can be reduced through a setback variance process. The Planning Commission held a public hearing on Thursday, September 6, 2001, regarding the request to reduce the side yard setbacks from 25 feet to 15 feet. The Planning Commission felt that because the townhouses would align with the existing homes on Gordy Street, the request should be approved. Property owners within 200-feet of the property have been notified and have no objections at this time.

ORDINANCE NO. G-906

Commissioner Taylor moved that the Townhouse Development Plan Case Number 01-002 be amended to reduce the setbacks from 25 feet to 15 feet and to adopt the recommendation of the Planning Commission and that Ordinance No.G-906, AN ORDINANCE AMENDING ORDINANCE NUMBER G-892 TO REDUCE THE SIDE YARD SETBACKS be adopted.

Commissioner Shepherd 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

RUSTIC OAK FURNITURE TAX EXEMPTION – PUBLIC HEARING

City Manager Stewart stated that on February 29, 2001, the City Commission approved Ordinance No. S-1109, an ordinance providing for property tax exemption for real property for this business. The Board of Tax Appeals has reviewed the application and is now requiring the personal property tax be included. The other taxing entities have been notified as required by law.

PUBLIC HEARING

Mayor Phillips opened the public hearing on the tax exemption for Rustic Oak Furniture.

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

ORDINANCE NO. S-1121

Commissioner Taylor moved that Ordinance No. S-1121, an ordinance providing for tax exemption for personal property, be approved.

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

GENERAL OBLIGATION BOND ISSUE 2001

Assistant City Manager Collins stated that the City Commission has set the sale of the over \$4 million General Obligation bond issue for October 1. The proposed resolution and ordinance provides for necessary revisions and amendments to certain documents within the bond transcript.

RESOLUTION NO. 2350 AND 2351

Commissioner Clites moved that Resolution No.'s 2350 and 2351, resolutions providing for certain amendments on Resolution No. 2284 and 2283, be approved.

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

ORDINANCE NO. S-1119 AND S-1120

Commissioner Clites moved that Ordinance No.'s S-1119 and 1120, ordinances providing for the amendment of Projects No. 841 and 845, be approved.

Commissioner Shepherd 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

LEAGUE OF KANSAS MUNICIPALITIES VOTING DELEGATE REGISTRATION

Mayor Phillips stated that the annual business meeting of the Kansas League of Municipalities will be held in Wichita, Kansas, on October 6-9, 2001. The City is entitled to three voting delegates and three alternate delegates.

Commissioner Criss moved to appoint Connie Phillips, Stan Stewart, and Gus Collins, to be named voting delegates at the annual business meeting of the Kansas League of Municipalities and that Brian Clites, Brian Shepherd, and David Wagner be named alternate delegates.

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

CONSTRUCTION OF JASON DRIVE IN CRISS SEVENTH ADDITION – PROJECT NO. 967A

City Engineer Wagner stated that plans and specifications are now ready for commission approval to pave Jason Drive. In order to allow the possibility of asphalt pavement to be installed prior to cold weather, bids will be taken in two parts. Project No. 967A will include paving and necessary storm sewer to complete the paving, and Project No. 967B will include only storm sewer to complete the project. Difference in costs to separate this into two separate projects should be minimal

Commissioner Taylor moved that the City Engineer's plans, specifications and estimate of cost amounting to \$230,314.58 for Project No. 967A as filed by the City Engineer in the City Clerk's Office on September 14, 2001, be approved and that the bids be solicited on September 28, 2001 and considered at the regular meeting of October 1, 2001.

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

CONDEMNATION OF PROPERTY – 924 N. TOPEKA – RESCHEDULE OF PUBLIC HEARING

Mayor Phillips stated that at the August 20 City Commission meeting, a public hearing was set for October 1 regarding the structure at 924 N. Topeka. This hearing must be rescheduled for October 15, 2001.

Commissioner Criss moved to reschedule the public hearing on the structure at 924 N. Topeka, from October 1 to October 15, 2001, at the regularly scheduled City Commission meeting.

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

MISCELLANEOUS

WORK SESSION

A work session is scheduled for Friday, September 21, 2001 at 3:00 p.m.

EDGEMOOR UPDATE

City Manager Stewart stated that construction would soon begin on Edgemoor Drive to reconstruct the base for the street. Currently it does not meet City specifications.

ADJOURNMENT

Janet L. Arnold, City Clerk

Connie Phillips, Mayor