

**EL DORADO CITY COMMISSION MEETING**

**September 20, 2004**

The El Dorado City Commission met in regular session on September 20, 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, 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 <sup>th</sup>	El Dorado, Kansas
James Cook	719 Fredrick Drive	El Dorado, Kansas
Verlee Adam	1426 Edgemoor	El Dorado, Kansas
Pat Hicks	1147 S. Arthur	El Dorado, Kansas
Mark Elwood	El Dorado Times	
Brad Smith	El Dorado Fire Department	
Craig Lorensen	514 W. Olive	El Dorado, Kansas
Lue Asmussen	1015 Douglas	El Dorado, Kansas
Pete Knoop	906 S. High	El Dorado, Kansas
Larry Adams	1756 W. 3 <sup>rd</sup>	El Dorado, Kansas
Steve Reynolds	1309 Joyce	El Dorado, Kansas
Rick Hayden	Kirkham Michael & Associates	
David Yearout	Interim Planning/Zoning Director	

**CALL TO ORDER**

Mayor Connie Phillips called the September 20<sup>th</sup> meeting to order.

**INVOCATION**

The Reverend Nancy Blaine opened the meeting with prayer.

**PLEDGE OF ALLEGIANCE**

Commissioner Linda Clark led the Pledge of Allegiance.

**PROCLAMATION**

Fire Chief Brad Smith provided an overview of National Fire Prevention Week.

Commissioner Taylor read the Proclamation proclaiming October 3 – 9, 2004, as National Fire Prevention Week.

**CONSENT AGENDA**

- a) Approval of the September 7, 2004, City Commission minutes.
- b) Approval of the September 13, 2004, Work Session minutes.
- c) Approval of changing the October 4, 2004, City Commission Meeting to October 5, 2004 at 7:30 p.m., due to the Annual League of Kansas Municipalities Conference on October 2-5, 2004.

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

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

**TRAFFIC STUDY UPDATE**

Mayor Connie Phillips stated that the Traffic Study Committee, formed earlier this year, has completed the review of possible consultants and is now prepared to submit the recommendations to the City Commission.

Steve Reynolds, Traffic Study Committee Chair, stated the committee is recommending the firm of Kirkham Michael as a consultant. Mr. Reynolds stated they worked with Kirkham Michael to refine the list of priorities. The scope is as follows:

1. Origin-destination survey, provides 4 alternative bypass concepts
2. Capacity analysis for 4 intersections
3. Analyze Truck Routes

The committee would like to pursue these tasks at a cost of \$53,375.00. Mr. Reynolds stated the committee feels the review of additional intersections may be necessary in the future.

Steve Reynolds introduced Rick Hayden, Kirkham Michael and Associates, to the Commission.

David Wagner, City Engineer, read the list of Traffic Study Committee members. The members are Gary Taylor, Dan Ingalls, Verlee Adam, Steve Reynolds, Kenny Conrad, Wayne White, Jeff Reynolds, Pat Hicks, Jay Johnson, Pat Conine, Sharon Fox, Ev Kohls, Tricia Martin, Sheryl Connell, and the late Virgil Grange.

Commissioner Clark asked when the traffic study would begin and how many months it would take to perform the study and compile results.

Mr. Hayden stated they would begin immediately and will be completed in five months. Mr. Reynolds gave a brief report of their plans to gather the necessary information.

Commissioner Shepherd asked the total cost.

City Manager Gus Collins stated the City had budgeted \$55,000.00.

Commissioner Fagg moved to accept the recommendations of the Traffic Study Committee and to retain the consulting services of Kirkham Michael to provide a traffic study not to exceed \$55,000.00.

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

**REZONE PROPERTY FROM O-I TO R-3/PD-NE CORNER OF 12<sup>TH</sup> AND COUNTRY CLUB ROAD**

Mayor Phillips stated the Planning Commission reviewed a request for rezoning of the property commonly known as the "Coutt's property" on the north side of 12<sup>th</sup> Avenue and the east side of Country Club Road. The applicants are Robert Lane and Ramon Criss.

David Yearout, Interim Planning/Zoning Director, provided a brief overview of the rezoning. Mr. Yearout stated that it allows the developer to provide a greater flexibility of the design. The Planning Commission has approved the rezoning from O-I Office to R-3 Multi-family with the planned development overlay attached to the rezoning. The Planning Commission approved the preliminary plat with some modifications.

Commissioner Clark asked how many units would be involved.

Mr. Yearout stated it would be 59 units with additional park dedication for the bike path.

Commissioner Taylor asked if the traffic round -about was the choice of the developer.

Mr. Yearout stated that is was.

Commissioner Shepherd stated that he is concerned about the access and visibility.

Mr. Yearout stated the developers made the adjustments on the radius of the cul-de-sac which resulted in the loss of one lot. The intent is to market to those that are *empty nesters*.

Mayor Phillips stressed that the Commission is only addressing the rezoning of the land at this time.

Commissioner Fagg questioned the drainage being a City-at-large cost and if there is a written policy. He asked how it would be consistent with other storm water issues in the City.

Mr. Yearout stated that it is a written policy. He stated the City-at-large funds the storm water drainage issues that occur on new developments.

Commissioner Fagg stated that he wants to make sure the drainage is correct. He stated that if it is up to the City-at-large to pay initially, then any later corrections would probably be up to the City-at-large to pay.

Commissioner Shepherd stated he would like for the drainage and platting policy discussion to be put on the next work session agenda.

**ORDINANCE NO. G-963**

Commissioner Clark moved to accept the Planning Commission’s recommendation and that Ordinance No. G-963, an ordinance rezoning the property commonly known as the “Coutt’s property” on the north side of 12<sup>th</sup> Avenue and the east side of Country Club Road from O-I Office-Institutional to R-3 Multi-Family Residential with a P-D Planned Development overlay, be approved.

Commissioner Taylor seconded the motion.

Commissioner Fagg stated he desires financial statements be reviewed whenever there are new developments.

**ROLL CALL**

Position No. 1	Commissioner Oral W. 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

**NUISANCE ORDINANCE – ABANDONED/JUNKED VEHICLES**

Mayor Phillips stated that this item was previously tabled by the City Commission for further research and discussion. The item is again presented for discussion. The City Staff will provide additional information.

City Manager Gus Collins stated that the ordinance needs to be revised in order to be in compliance with State law. The staff will continue to react on a complaint basis on abandoned vehicles. The property owners will be contacted, and they will then have ten days to request a hearing or comply. If they do not request a hearing, then the City will continue the enforcement or removal of the junk vehicle. Staff can request a notice to appear through municipal court.

Mayor Phillips asked how many abandoned vehicle complaints are received.

Chief Brad Smith stated he was not sure, but relatively low in comparison to weeds.

Larry Adams, 1756 W. 3<sup>rd</sup> St., stated he was concerned with the requirement of screening vehicles on commercial properties. He feels it is very costly to screen commercial property. He feels that vehicles that are not tagged and insured should not have to be screened if they are in one piece and not an eyesore.

Commissioner Shepherd questioned if there are studies showing they are breeding grounds for flies, insects, etc., a danger to children, sharp metal protrusions, theft, or explosions. He asked how many times the Fire Chief and Police Chief have had to remove a vehicle that was blocking an access entry.

Commissioner Shepherd stated he objects to the jail sentence.

City Attorney Mike Coash stated that it is the judge's discretion to do what is necessary to come into compliance with the City's ordinance. He stated he is not sure we can vary this ordinance from the State law without being in direct conflict.

Larry Adams asked why the jail sentence is necessary if the car could be towed after 10 days.

Commissioner Taylor stated that these vehicles affect other people. There are safety and blight issues.

Commissioner Fagg stated that he wants people to have the option to come before the City Manager or City Commission, whichever they prefer

City Attorney Coash stated that if the individual pleads that the City Manager did not give him a fair hearing, then the Commission must approve a resolution.

Pete Knoop, 906 S. High, asked how this ordinance differs from others such as speeding, or running a stop sign.

Mayor Phillips stated that it gives the offender more rights to argue their case before a judgment is made.

Mr. Knoop asked why the municipal court is not used for this.

City Attorney Coash stated that is an option.

Mr. Knoop stated that this ordinance gives people more leeway than a speeding ticket.

Mr. Yearout, 1710 Post Court, stated that this is a nuisance ordinance. It is an exercise of the City as a public agency finding the action of an individual or property owner being in violation of a public nuisance law. A private citizen cannot bring that action. If they want to, then it is a civil issue. The result would be private property owners fighting with each other, and it would probably create more law enforcement issues. He stated the reason a City adopts these types of ordinances is because it is recognized that these laws are put on the books due to a large number of people living together in a confined area.

**ORDINANCE NO. G-962**

Commissioner Clark moved that Ordinance No. G-962, an ordinance relating to and controlling abandoned /junked motor vehicles on private property, be approved.

Commissioner Taylor seconded the motion.

Commissioner Fagg stated that he would be voting no for three reasons. They are:

1. The complaint should be in writing, signed and dated.
2. City Commission should have the option of hearing the appeal from the individual.
3. The jail sentence should be removed.

**ROLL CALL**

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

**SALE OF LAND – ADLESPERGER-SMITH ADDITON**

Agenda item tabled until the next City Commission meeting.

**FIRST AND MAIN SIGNALIZATION UPDATE**

Mayor Phillips stated that the Kansas Department of Transportation recommended the removal of the traffic signal at the corner of First and Main. The City did so on a temporary basis. During this time the Staff has researched the vehicle and pedestrian traffic patterns. There have been many options discussed.

City Manager Collins stated that the Kansas Department of Transportation recommended removing the traffic signal. The City and Department of Transportation have had citizens express concern about pedestrian safety. The City Commission has looked at options. They are:

1. Leave the signal light as is.
2. Remove the signal light.
3. A combination of the two.

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The City Staff recommends pedestrian-actuated east/west signalization (amber flashing light for north/south traffic), and no pedestrian signal if they are crossing north/south.

Mayor Phillips asked, if this is determined to be unsatisfactory, does the City have the option to put the traffic light back as it was.

City Manager Collins stated that the signal light could be put back in place as it was. The process will be started in two weeks.

Commissioner Clark asked if there have been any accidents since the lights have been bagged.

City Engineer Wagner stated that there have not been any up to the last 30 days, but accident reports have not been received for the last 30 days.

**CITY MANAGER'S REPORT**

City Manager Collins noted the following:

1. Work Session will be September 28<sup>th</sup> at 11:30 a.m.
2. Progress is being made on West Central. Completion should be around the end of October.
3. The signal at Village and W. Central will begin flashing Tuesday morning, September 21<sup>st</sup>.
4. The milling on Main and on Central will be complete the middle of next week.

**ADJOURNMENT**

Mayor Phillips adjourned the meeting at 9:37 p.m.

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City Clerk Dee Anne Grunder

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Mayor Connie Phillips