

EL DORADO CITY COMMISSION MEETING MINUTES

October 1, 2001

The El Dorado City Commission met in regular session on October 1, 2001 at 7:30 p.m. 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, Fire Chief Brad Smith, and City Attorney Mike Coash.

VISITORS

Molly Milbourn	121 N. Emporia	El Dorado, Kansas
Delaney Smith	212 N. Atchison	El Dorado, Kansas
Jed Reed	1623 W. Pine	El Dorado, Kansas
Tyler Boyd		El Dorado, Kansas
Adam Lockard	1712 W. Fourth	El Dorado, Kansas
Susa Flug		El Dorado, Kansas
Connie Worley	515 Jones	El Dorado, Kansas
Lori Lockard	1712 W. Fourth	El Dorado, Kansas
George and Lori Reed	1623 W. Pine	El Dorado, Kansas
Diane and Nicholas Payne	309 N. High	El Dorado, Kansas
Don Nichols	804 Cherokee	El Dorado, Kansas
Rev. Mike Blaine	Park Avenue Baptist Church	El Dorado, Kansas
Mike Smith	212 N. Atchison	El Dorado, Kansas
R. K. Love	1481 Sunset	El Dorado, Kansas
Jerry Abejo	The Wichita Eagle	El Dorado, Kansas
M. Gomez	829 Osage	El Dorado, Kansas
Emidio Gomez	610 E. Eighth	El Dorado, Kansas
Frank and Linda Cartmell	916 Cherokee	El Dorado, Kansas
Vincent Baker	921 Osage	El Dorado, Kansas
Linda Baker Robertson	921 Osage	El Dorado, Kansas
Bill and Norma Johnson	812 W. Central	El Dorado, Kansas

INVOCATION

Pastor Mike Blaine provided the invocation.

PLEDGE OF ALLEGIANCE

The following Jefferson Elementary Students along with their teacher, Mrs. Connie Worley, led the Governing Body in the Pledge of Allegiance: Tyler Boyd, Susan Flug, Adam Lockard, Molly Milbourne, Nicholas Payne, Jed Reed, and Delaney Smith.

PROCLAMATION

Fire Prevention Week

Fire Chief Brad Smith thanked the Governing Body for allowing the proclamation that allows the city of El Dorado to recognize the week of October 7–13, 2001 as Fire Prevention Week. Chief Smith also reported that the fire department had received \$88,300 for the Kansas Cares Survivor Fund.

PERSONAL APPEARANCES

Keith Love, Citizen

Mr. Keith Love, 1418 Sunset, appeared before the Commission to express his concerns regarding the City's refuse collection service. He also requested that the City clean the debris from the ditch in front of his house.

CONSENT AGENDA

- A. Approval of the September 17, 2001 City Commission Minutes.
- B. Approval of the September 21, 2001 Work Session Minutes.
- C. Approval of Appropriation Ordinance No. 09-01 in the amount of \$1,268,140.51.
- D. Approval of re-appointing a Civic Center Committee consisting of the City Manager, the Assistant City Manager and the Executive Director of the Chamber.
- E. Approval of the first construction payment of \$49,297.50 to Sutherland Builders, Inc. for construction of the Recycle Building addition.
- F. Approval of an Ordinance No. G-907 to amend the El Dorado Municipal Code Chapter 8.04 relating to delinquent bills for refuse collection and disposal.
- G. Approval of Change Order No. 2- Project No. 948- (Paving Diagonal Rd.), Central Ave. South. Community National Bank had requested that two drive approaches installed at their new bank on Diagonal Rd. be assessed to the project in the amount of \$3,400.20.

Commissioner Shepherd stated that since item F in the consent agenda, regarding an amendment to the City's Code for delinquent bills for refuse collection and disposal, had not been presented to the Governing Body prior to the meeting he was not in favor of making any amendments to the Code.

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

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

SELLING THE BOND ISSUE – ORDINANCE NO. S-1122

Mayor Phillips stated that the City of El Dorado had received bids for the purchase of General Obligation Bonds, in the total principal amount of \$4,040,000 to fund various capital improvements in the City of El Dorado. The bids were opened at 4:00 p.m. CDT on October 1, 2001.

Mr. Chuck Bouilly, representative of Geo. K. Baum appeared to answer any question the Governing Body might have.

RECEIVING THE BIDS

Mayor Phillips spread the bids for the record.

UBS Paine Webber, Inc.	\$930,377.92	3.861023%
UMB Bank	931,086.46	3.863964%
US Bancorp Piper Jaffray	943,488.72	3.915433%
Stern Brothers & Company	944,977.08	3.921609%
Harris Trust & Savings Bank	946,829.98	3.929299%
Dain Rauscher, Inc.	955,663.33	3.965957%

AWARDING THE CONTRACT

Commissioner Taylor moved that the lowest and best bid from UBS Paine Webber providing a net interest cost to the City of El Dorado of \$ 930,377.92 for the purchase of the \$4,040,000 General Obligation Bond Issue be approved.

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

ORDINANCE NO. S-1122

Commissioner Taylor moved that Ordinance No. S-1122, an ordinance of the City of El Dorado, Kansas, authorizing and providing for the issuance of the City’s General Obligation bonds in the total principal amount of \$4,040,000, for the purpose of financing the otherwise unpaid costs of multiple capital improvements in the city, be passed and 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

PUBLIC HEARING FOR PROJECT NO. 936 – PAVING EIGHTH AVENUE (MAIN TO OAK)

City Manager Stewart stated that at the September 17, 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 policy set out in Resolution No. 2249 adopted November 1, 1999. There was not any action taken at the Septmeber 17th meeting. Should this commission take action to pass a resolution and make it advisable to pave this street, a notice of the findings will be published in the El Dorado Times. Work cannot begin on this project until 20 days after the publication. In the time between the date of the publication and the 20 days, property owners may sign a protest petition. The written protests must be signed by both 51% or more of the resident owners of record within the improvement district and the owners of record of more that half of the total area in the benefit district. A resident owner is someone who lives in the City of El Dorado.

Mr. Bob Chastain, 929 Walnut, appeared before the Commission thanking them for excluding the City owned property from this protest petition process.

Mr. Gary Anderson, 326 State, requested that petitions be available at City Hall for residents to sign in the event he is not able to make contact with those residents.

RESOLUTION NO. 2352

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, and that City owned property be removed from the calculation of the protest petition, be approved.

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

PROJECT NO. 967 – PAVING JASON DRIVE – CRISS SEVENTH

Mayor Phillips stated that at the last meeting, the City Commission directed that bids be taken on this project. Bids were taken September 28, 2001 and are now ready for consideration.

ORDINANCE ISSUING BONDS S-1123

Commissioner Clites moved that Ordinance No. S-1123, an ordinance authorizing the issuance of bonds of the City of El Dorado, Kansas, in an amount not to exceed \$325,000.00 in payment of the cost or a part of the cost of Project No. 967A&B (A-paving; B-sewer) 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 on the record.

Engineer’s Estimate	\$122,892.70
Central Paving	105,874.20
APAC Kansas	127,447.33
Ritchie Paving	134,668.75

AWARDING THE CONTRACT

Commissioner Clites moved that as Central Paving, Inc. has submitted the lowest and best bid for Project No. 967A (paving) and since their bid of \$105,874.20 was under the Engineer's Estimate, that the contract be awarded to Central Paving, Inc.

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

PROJECT NO. 908C – PAVING AND GRADING THE EL DORADO BUSINESS PARK – PHASE I

Mayor Phillips stated that at the September 4, 2001 meeting, the City Commission directed that bids be taken on this project. Bids were taken September 28, 2001 and are now ready for consideration.

RECEIVING THE BIDS

Mayor Phillips spread the bids for the record.

Engineer’s Estimate	\$ 813,740.00
Central Paving, Inc.	689,185.25
Ritchie Paving, Inc.	702,259.75
APAC Kansas	831,609.25

AWARDING THE CONTRACT

Commissioner Shepherd moved that as Central Paving, Inc. has submitted the lowest and best bid for Project No. 908C and since their bid of \$689,185.25 was under the Engineer's Estimate, that the contract be awarded to Central Paving, Inc.

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

PROJECT NO. 948 – DIAGONAL ROAD PAVING (SOUTH OF CENTRAL) – PHASE I

Mayor Phillips stated that this project was petitioned on July 19, 2000.

ACCEPTING THE PROJECT AND SETTING ASSESSMENT HEARING DATE

Commissioner Criss moved that the City of El Dorado accept the completed work of Project No. 948 by APAC Kansas, Inc. and that the final cost be determined to be:

Preliminary Estimate	\$60,000.00
Additional Work Requested (Benefit District)	3,400.20
Final Cost	60,666.54
Unexpended	2,733.66
Improvement District Cost	48,019.46
City at Large Cost	12,647.08

and that the City Commission meet at 7:30 P.M. on the 5th day of November, 2001 for the purpose of considering the proposed assessments of the cost of Project No. 948 and that the City Clerk be directed to cause a notice to be published in the Official City paper at least once not less than 10 days prior to the date of said meeting.

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

SPECIAL USE PERMIT AT 608 MAPLEWOOD

Ms. Shaunna Johnson, City Planning Coordinator stated that the Planning Commission held a public hearing on Thursday, September 27, 2001, regarding a special use permit at

608 Maplewood for a daycare. The property is zoned R-1 Low-Density Residential. The applicant, Tina Kennedy, would like to locate a daycare facility in her home. A special use permit is required when an individual intends to care for more than 6 but no more than 12 children for any part of a 24-hour day up to 12 hours. A special use permit is not required when an individual cares for less than 6 children. Ms. Kennedy intends to care for more than 6 children and will be subject to the daycare licensing requirements of the State.

RESOLUTION NO. 2353

Commissioner Clites moved that in the case of the Special Use Permit to allow a daycare to be located at 608 Maplewood, the City Commission adopt the recommendation of the Planning Commission and that Resolution No. 2353, a resolution setting out the findings of the City of El Dorado in Special Use Case No. 01-010 be adopted.

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

SPECIAL USE PERMIT AT 802 WEST CENTRAL

Ms. Shauna Johnson, City Planning Coordinator stated that the Planning Commission held a public hearing on Thursday, September 27, 2001, regarding a special use permit at 802 West Central. The applicant, Susan B. Allen Memorial Hospital, is requesting a special use permit for a parking lot. The property is zoned R-1 Low-Density Residential. This is the same property the hospital attempted to rezone approximately two years ago for a cancer treatment center, which was turned down. There were many adjacent property owners who were against the rezoning of this property. All property owners within 200 feet have been notified and none have expressed any opposition at this point. Requesting a special use permit for a parking lot would allow the property to remain zoned R-1 Low-Density Residential.

Mr. Greg Mathias, attorney representing Susan B. Allen Memorial Hospital, appeared to explain the need for the parking for the hospital. He also answered questions from the Governing Body.

Commissioner Taylor expressed his concern regarding lighting of the parking lot. He wanted to make sure there were guidelines to address this issue so the light directed to the adjoining property would be minimal.

City Planning Coordinator Shauna Johnson informed him there are lighting specifications that will have to be honored.

Mr. and Mrs. Bill Johnson, 812 West Central, presented a site plan requesting more screening (than just an 8' fence) between their property and the parking lot.

RESOLUTION NO. 2354

Commissioner Criss moved that in the case of the Special Use Permit to allow a parking lot to be located at 802 West Central, the City Commission adopt the recommendation of the Planning Commission and that Resolution No. 2354, a resolution setting out the findings of the City of El Dorado in Special Use Case No. 01-011 be adopted.

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

REZONING OF THE PROPERTY LOCATED IN THE 100 BLOCK OF NORTH DENVER STREET

Ms. Shaunna Johnson, City Planning Coordinator stated that the Planning Commission held a public hearing on Thursday, September 6, 2001, regarding the rezoning of the property in the 100 block of North Denver. The applicant, Susan B. Allen Memorial Hospital, had requested to rezone the property from R-1 Low-Density Residential to C-1 General Commercial. The proposed property for rezoning includes the existing parking lot on Denver, a special use permit was granted for that parking lot, and the house located at 127 North Denver. The intention is to tear down the house and extend the parking lot. The Planning Commission recommended approval of this rezoning request.

ORDINANCE NO. G-908

Commissioner Taylor moved that in the case of the rezoning from R-1 Low-Density Residential to C-1 General Commercial, the City Commission adopt the recommendation of the Planning Commission and that Ordinance No. G-908, an ordinance setting out the findings of the City of El Dorado in Rezoning Case No. 01-005 be adopted.

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 Clites	yes
	Mayor Connie Phillips	yes

The motion carried 5-0.

REZONING OF THE PROPERTY LOCATED AT 114 WEST LOCUST

City Planning Coordinator Shaunna Johnson, stated that the Planning Commission held a public hearing on Thursday, September 6, 2001, regarding the rezoning of the property located at 114 West Locust. The applicant, Eric Bird, requested to rezone the property from I-1 Light Industrial to C-2 Central Business District. The proposed property for rezoning includes a 25-foot strip of land West of the alley. The Planning Commission recommended approval of this rezoning request.

ORDINANCE NO. G-909

Commissioner Clites moved that in the case of the rezoning from I-1 Light Industrial to C-2 Central Business District, the City Commission adopt the recommendation of the Planning Commission and that Ordinance No. G-909, an ordinance setting out the findings of the City of El Dorado in Rezoning Case No. 01-006 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 Clites	yes
	Mayor Connie Phillips	yes

The motion carried 5-0.

REZONING OF THE PROPERTY LOCATED AT THE PRAIRIE TRAILS GOLF AND COUNTRY CLUB

The Planning Commission held a public hearing on Thursday, September 6, 2001, regarding the rezoning of a portion of the golf course property which is East of the railroad tracks. The owners of the Prairie Trails Golf and Country Club requested to rezone this portion of their property from R-3 Multi-Family Residential to R-1 Low-Density Residential. The Planning Commission recommended approval of this rezoning request.

ORDINANCE NO. G-910

Commissioner Clites moved that in the case of the rezoning from R-3 Multi-Family Residential to R-1 Low-Density Residential, the City Commission adopt the recommendation of the Planning Commission and that Ordinance No. G-910 an ordinance setting out the findings of the City of El Dorado in Rezoning Case No. 01-007 be adopted.

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 Clites	yes
	Mayor Connie Phillips	yes

The motion carried 4-0-1, Commissioner Criss abstained.

AIR MONITORING STATION – GRAHAM PARK

City Engineer Wagner stated that Frontier Refining Company is conducting an air quality study and would like to use Graham Park for an air monitoring station. The Kansas Department of Health and Environment has verbally approved this site. Frontier hopes to have this site in operation by the first part of October. The only utility needed to operate this station is electricity. KGE will make agreements to provide this contingent of receiving final approval from the City of El Dorado.

Commissioner Taylor moved to allow Frontier El Dorado Refining Company to set a temporary ambient air monitoring station in Graham Park.

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

MISCELLANEOUS

WORK SESSION

A work session was scheduled for Wednesday, October 10, 2001 at 3:00 p.m.

LEAGUE OF KANSAS MUNICIPALITIES

City Manager Stewart stated that the League of Kansas Municipalities meetings are scheduled for October 7, 8, 9, 2001 in Wichita.

ADJOURNMENT

Janet L. Arnold, City Clerk

Connie Phillips, Mayor