

**EL DORADO CITY COMMISSION MEETING**

**October 5, 2004**

The El Dorado City Commission met in regular session on October 5, 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, and City Clerk/Finance Director Dee Anne Grunder. City Attorney Mike Coash was absent.

**VISITORS**

Mark Elwood	El Dorado Times	El Dorado, Kansas
Johnna May	G.K. Baum & Company	Wichita, Kansas
Chuck Bouly	G.K. Baum & Company	Wichita, Kansas
Martin Goedecke	205 S. Main	El Dorado, Kansas
Lue Asmussen	1015 Douglas Rd.	El Dorado, Kansas
Barry Shropshire	1002 Douglas Rd.	El Dorado, Kansas
James Cook	719 Fredrick Dr.	El Dorado, Kansas
Breck & Billena Carr	531 W. 12 <sup>th</sup>	El Dorado, Kansas
Chet McCoy	336 Simpson Rd.	El Dorado, Kansas
Ruth Strumfa	1319 Douglas Rd.	El Dorado, Kansas
William R. Kline	1322 Douglas Rd.	El Dorado, Kansas
Robert Parker	1323 Douglas Rd.	El Dorado, Kansas
Chris Harvey	2774 SE 12 <sup>th</sup> St.	El Dorado, Kansas
Garry Wright	229 N. Washington	El Dorado, Kansas
Aaron & Tim Owen	925 River Rd. #1707	El Dorado, Kansas
Kurt Helber	216 N. Star #1	El Dorado, Kansas

**CALL TO ORDER**

Mayor Connie Phillips called the October 5<sup>th</sup> meeting to order.

**INVOCATION**

The Reverend Garry Wright opened the meeting with prayer.

**PLEDGE OF ALLEGIANCE**

Ms. Thoma’s Third Grade Class from Lincoln Elementary led the Pledge of Allegiance.

**CONSENT AGENDA**

- a) Approval of the September 20, 2004, City Commission minutes.
- b) Approval of the September 28, 2004, Work Session minutes.
- c) Approval of Appropriation Ordinance No. 09-04 in the amount of \$5,015,669.58.
- d) Approval of an increase in the balance of the Recreation Refund account from \$200.00 to \$500.00.
- e) Approval of a balance of \$300.00 in Office Change at the Animal Control Facility and increase the balance of the Animal Control Refund Account from \$300.00 to \$800.00.
- f) Approval of 2004 Cereal Malt Beverage license application as listed:

Wal-Mart Superstore, 301 S. Village

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

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

**GENERAL OBLIGATION BOND SALE**

Mayor Connie Phillips stated that the City of El Dorado has completed several capital improvement projects in the City. At this meeting, the City Commission will sell \$4,525,000 General Obligation Bonds to provide long-term funding for these projects.

City Manager Gus Collins stated that the Bond Issue is to provide long-term financing for twenty-three projects. The first ordinance is a *Clean Up Ordinance*. He stated that each document for each project has been reviewed by the City’s Bond Counsel.

**ORDINANCE NO. S-1215**

**MOTION #1**

Commissioner Shepherd moved that Ordinance No. S-1215, an ordinance amending Ordinance Nos. S-1161, S-1162, S-1167, S-1169, S-1183, and S-1188, authorizing additional costs in connection with Project Nos. 965, 992, 993, 999 and 980, and authorizing the issuance of General Obligation Bonds in the amount of \$75,000 for Project No. 207, all in connection with the proposed issuance of General Obligation Bonds of the City to finance multiple internal improvements, be approved.

Commissioner Taylor seconded the motion.

Commissioner Fagg questioned why authorization for Project No. 207 is stated separately.

City Manager Collins stated that the City Commission did not officially provide for the authorization for the parking lot at the theater.

Commissioner Fagg questioned the cost of the storm sewer on Project No. 965.

City Engineer Dave Wagner stated the cost was \$28,000.00.

**ROLL CALL**

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

**RECEIVING THE BIDS**

Mayor Phillips spread the bids on the record as follows:

<u>Bidder</u>	<u>Net Interest Cost</u>	<u>Average Annual Net Interest Rate</u>
Harris Trust and Savings Bank	\$865,296.69	3.2466%
F T N Financial Capital Market	\$873,216.77	3.2763%
Piper Jaffray	\$876,360.86	3.2881%
UMB Bank, N.A.	\$880,810.63	3.3048 %

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Stern Brothers & Company	\$891,886.67	3.3464%
Legg Mason Wood Walker	\$897,954.43	3.369%
Stern, Agee & Leach, Inc.	\$898,259.19	3.3703 %
First Trust Portfolio LP	\$908,593.90	3.4090%
Ross, Sinclaire & Associates	\$914,398.54	3.4308 %
UBS Financial Services, Inc.	\$918,015.21	3.4444 %

City Manager Gus Collins introduced Chuck Bouilly with the firm George K. Baum.

Mr. Bouilly recommended the City Commission accept the low bid of Harris Trust & Savings Bank.

Commissioner Fagg questioned the refinancing of existing City debt since the rates are so low.

Mr. Bouilly stated this option has been reviewed. The 1996 and 1997 A Issues are General Obligation Bonds and cannot be advance refunded. They can only be refunded after the call date. The others are short enough, but none of them would provide enough savings.

**MOTION #2**

Commissioner Shepherd moved to award the firm of Harris Trust & Savings Bank the sale of the General Obligation Bond Issue-Series 2004 with an average interest rate of 3.2466% with a total interest of \$865,296.69.

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

**ORDINANCE S-1216**

**MOTION #3**

Commissioner Fagg moved to approve Ordinance No. S-1216, an ordinance authorizing and providing for the issuance of the City’s General Obligation bonds in the principal amount of \$4,525,000.00 for the purpose of financing multiple capital improvement projects.

Commissioner Shepherd seconded the motion.

**ROLL CALL**

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

**RESOLUTION NO. 2469**

Commissioner Taylor moved that Resolution No. 2469, a resolution providing for the issuance of the City’s General Obligation bonds in the principal amount of

\$4,525,000.00 for the purpose of financing multiple capital improvement projects, be approved.

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

**FINAL PLAT OF THE GREENS AT PRAIRIE TRAILS (NORTH OF 12<sup>TH</sup> AVENUE AND EAST OF COUNTRY CLUB ROAD)**

Mayor Phillips stated the Planning Commission approved the final plat of The Greens at Prairie Trails, located 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.

Commissioner Clark questioned if the drainage in the bike tunnel will be taken care of.

Commissioner Taylor asked where the water would go.

City Engineer Dave Wagner stated a portion would still have problems with big storms. He stated they would try to improve it as much as possible.

Commissioner Fagg questioned the total cost of the project, streets, water, and stormwater.

City Manager Collins stated the cost has not been determined at this time.

Commissioner Fagg noted what some other cities require on a new development.

Mayor Phillips indicated this had been discussed at the last work session and the consensus was to not make it more restrictive for developers.

Commissioner Shepherd stated that he feels the sanitary sewer in that area is at capacity and questioned whether this would tie into the same sewer system.

City Engineer Dave Wagner stated that B & G, a firm in Manhattan, is working on a study at this time.

City Manager Collins stated that the City is prepared to make recommended changes based on results of the sewer study.

Commissioner Shepherd asked if Linear Park is the existing park.

Mr. Goedecke stated they are adding to Linear Park. The reserved area is so the City can add parking by the bike path.

Commissioner Fagg suggested the Commission consider changing the policy for developments to allow cash to improve area parks in lieu of new park area.

Commissioner Clark moved that the final plat of The Greens at Prairie Trails be approved, and to authorize the Mayor to sign the plat.

The Commission had additional questions so Commissioner Clark withdrew the motion.

Commissioner Taylor questioned if Reserve F on the plat is a part of the 4% park area.

Mr. Goedecke stated he does not believe it is a part of the 4%.

Commissioner Shepherd stated he does not feel the City should put a parking lot on the land if the City does not own it.

Commissioner Fagg questioned whether Mr. Goedecke had worked on storm/water issues in other cities.

Mr. Goedecke stated he had.

Commissioner Shepherd questioned how the drainage would be handled.

Mr. Goedecke stated the City would be installing an underground stormsewer.

Commissioner Fagg questioned if a 5-year annual storm event is standard.

Mr. Goedecke stated the storm/sewers would be able to handle a 2-5 year nuisance storm. The entire development is in a hundred-year area.

Commissioner Clark moved that the final plat of The Greens at Prairie Trails be approved, and to authorize the Mayor to sign the plat.

Commissioner Taylor seconded the motion. Motion carried 4-1. Commissioner Fagg opposed.

Commissioner Fagg stated he voted no for three reasons, 1) stormwater needs more inspection, 2) the City's policy needs revised on letters of credit or cash bonds 3) the stormwater costs need to be paid by the developer.

**TEMPORARY CEREAL MALT BEVERAGE AND ALCOHOLIC LIQUOR LICENSES – ORDINANCE REVISION**

The Mayor stated that it has recently come to the attention of the staff that the fee for temporary cereal malt beverage and alcoholic liquor licenses was not consistent with the fees of the annual cereal malt beverage and alcoholic liquor licenses. This proposed change will bring the temporary license fees in line with other cities' and the state's fee structure.

City Clerk/Finance Director Dee Anne Grunder stated the City's Code requires a \$200 fee for each of the temporary CMB and Alcoholic liquor licenses. Staff feels it is too high in comparison to the annual rate. Staff is proposing the fee be reduced to \$25.00 per day.

**ORDINANCE NO. G-964**

Commissioner Fagg moved that Ordinance No. G-964, an ordinance revising the issuance of temporary cereal malt beverage and alcoholic liquor licenses, be approved.

Commissioner Taylor seconded the motion.

Commissioner Shepherd asked how the \$25.00 fee was arrived at.

City Clerk/Finance Director Grunder stated that other cities were surveyed. Most of those cities charged \$25.00 if they had a fee at all. The State's daily rate for a temporary alcoholic liquor license is \$25.00.

**ROLL CALL.**

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

**SET PUBLIC HEARING FOR PROJECT NO. 256-PAVING DOUGLAS ROAD (SUNSET TO TOWANDA)**

Mayor Phillips stated the City Commission passed Resolution No. 2382 in 2002 providing for the improvement of certain high volume streets within a specific time frame. The next project is Douglas Road (Sunset to Towanda), which is defined as a collector street and is scheduled for 2004. Tonight the Commission will consider setting a public hearing on November 1, 2004, to allow for public comment on this project. Property owners will be notified by mail of this meeting.

Mayor Phillips stated the process of initiating this paving project under KSA 12-6a01 is as follows:

1. Set a hearing date.
2. Publish the notice of the hearing.
3. November 1, 2004 hold a meeting with the Commission setting out their findings and determinations. Property owners will have the right to begin a petition to petition out of the project at that time.

**RESOLUTION NO. 2470**

Commissioner Taylor moved that Resolution No. 2470, a resolution setting a public hearing on the paving of Project No. 256-Paving Douglas Road (Sunset to Towanda), be approved.

Commissioner Fagg seconded the motion.

Commissioner Shepherd stated he understands many of the property owners are not going to benefit from this project, so he will be voting no.

Commissioner Fagg stated he feels this is an opportunity for them, because the City is paying a portion of the project.

Motion carried 4-1. Commissioner Shepherd opposed.

**CITY MANAGER’S REPORT**

City Manager Collins noted the following:

1. Work Session will be Monday, October 11<sup>th</sup> at 3:30 p.m.
2. Received a letter of resignation from Linda Swan, Youth Commission Coordinator.
3. Four Commissioners and staff attended the 96<sup>th</sup> Annual League of Kansas Municipalities Conference.
4. West Central should be finished in two weeks.
5. Oil Hill improvement project informational meeting will be October 20, 2004 in the Commission Room at 7:00 p.m. An outside consultant has been hired and will be present at the meeting.

**CITIZEN OF MONTH**

Commissioner Clark encouraged citizens to submit applications.

**MISCELLANEOUS**

Mayor Phillips stated that she enjoyed networking at the League conference. It was very beneficial.

Commissioner Taylor stated the Baseball Hall of Fame annual banquet will be October 23, 2004. The social will be at 5:30 p.m. The guest speaker will be Ed Hearn.

Commissioner Fagg stated one of the League round table discussions talked about a community assessment, and he feels the Commission should consider doing this.

Commissioner Shepherd questioned adjustments related to Saturday pickups.

City Manager Collins stated the fee would be adjusted based on how many times per week their refuse is picked up and the size of the dumpster.

**ADJOURNMENT**

Mayor Phillips adjourned the meeting at 8:58 p.m.

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City Clerk Dee Anne Grunder

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Mayor Connie Phillips