

EL DORADO CITY COMMISSION MEETING MINUTES October 6, 2003

The El Dorado City Commission met in regular session on October 6, 2003 at 7:30 p.m. with the following present: Mayor Connie Phillips, Commissioner Mike Fagg, Commissioner Brian Shepherd, Commissioner Linda Clark, Commissioner Oral Taylor, City Manager Stan B. Stewart, Assistant City Manager Gus Collins, City Engineer Dave Wagner, City Attorney Mike Coash, and interim City Clerk Shaunna Johnson.

VISITORS

James Cook	719 Fredrick	El Dorado, Kansas
Justin & Lisa Parsons	2036 Dragonfly Dr	El Dorado, Kansas
John Gardner	1606 Timberline	El Dorado, Kansas
Bruce Harris	4843 Country Lane	El Dorado, Kansas
Verlee Adam	1426 Edgemoor	El Dorado, Kansas
Faye Wilson	512 W. 12 th Ave.	El Dorado, Kansas
Lee Blount	131 Hillside	El Dorado, Kansas
Jerry Blount	131 Hillside	El Dorado, Kansas
Lee White	1928 Jamaica	El Dorado, Kansas
Steve Reynolds	1309 Joyce	El Dorado, Kansas
Catherine Hicks	424 Oil Hill	El Dorado, Kansas
Mark Hicks	424 Oil Hill	El Dorado, Kansas

INVOCATION

The Reverend Stan Seymour opened the meeting with prayer.

PLEDGE OF ALLEGIANCE

The following Lincoln Elementary Third Grade Students along with their teacher, Connie Worley, led the Governing Body and the audience in the Pledge of Allegiance: Janessa Alvarez, Sierra Jackson, Isaac Lamb, Morgan McCoy, McLaren Stewart, George Vides, and Zach Wilson.

PERSONAL APPEARANCES

Mr. Steve Reynolds, 1309 Joyce, appeared before the Governing Body with questions pertaining to the article in the community newsletter discussed by El Dorado, Inc., concerning the future NW Trafficway. Copies of the article were passed out to the commissioners. He questioned if the city matched funds to this organization. The second concern was if the city's views were consistent with El Dorado, Inc.

Mayor Phillips stated that the article was the writer's own views and that he was not speaking for the city.

CONSENT AGENDA

Commissioner Taylor moved to remove Consent Agenda item *D*.

Commissioner Shepherd seconded the motion and it carried.

A. Approval of the September 15, 2003, City commission minutes.

B. Approval of the September 24, 2003, Work Session minutes.

C. Approval of Appropriation Ordinance No. 09-03 in the amount of \$11,658,257.02.

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- D. Consider approval of the revised Sidewalk Policy.
- E. Approval for the Engineer's Third Pay Estimate dated September 26, 2003, on Project No. 990, Paving Banks-Willhite First Addition, to the contractor, Central Paving, Inc., in the amount of \$43,549.00.
- F. Approval of the Engineer's Third Pay Estimate dated September 26, 2003, on Project No. 957-997, Paving Village Rd. (Central to Sixth), to the contractor, Central Paving, Inc., in the amount of \$66,771.81.
- G. Approval of the Engineer's Second Pay Estimate dated September 26, 2003, on Project No. 959, 2003 Sales Tax, to the contractor, Central Paving, Inc., in the amount of \$15,983.30.

Commissioner Fagg expressed disappointment about not being at the meeting concerning *Trafficway Study*. He stated that he would like to spend more time discussing the issue at the Work Session.

Mayor Phillips stated that an option recommended by Commissioner Fagg was to move the truck rout. She also stated that it would be about an 18 month process.

Commissioner Taylor indicated that the city staff only presented suggestions at the Commission's request.

Mayor Phillips asked if the Agenda Item *D Sidewalk Policy* could be moved to Agenda Item A on the present Agenda.

Attorney Mike Coash said it could be done.

Commissioner Shepherd moved that the Consent Agenda be approved as revised.

Commissioner Taylor seconded the motion.

Motion carried 5-0

SIDEWALK POLICY

Commissioner Taylor commented on the wording of 1-A on the Sidewalk Policy. He asked if it should say *...cost of removal would be borne by the city and replacement would be born by the adjoining property owner?*

Assistant City Manager Gus Collins stated that the cost has historically been equal.

After further discussion, Commissioner Taylor said that he would like to see the wording changed.

Assistant City Manager Gus Collins stated that if the Commission would consider the revision, then it could be considered approved. Mr. Collins also stated that Commissioner Fagg was referring to the overall goal and that further wording does say construct *...new, improved and deteriorated sidewalks*.

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City Manager Stan Stewart noted that as stated there would not be any newly built sidewalks unless at the property owner's request - other than those on Main, Central and 6th Street.

Commissioner Fagg stated that from a safety standpoint that - sidewalks should be put where they are needed if not currently in place.

MOTION

Commissioner Taylor moved on the Sidewalk Policy as presented and amended be approved.

Commissioner Clark seconded the motion.

Motion carried 3 to 2.

Those opposed: Commissioner Shepherd and Commissioner Fagg.

SPECIAL USE PERMIT FOR A VETERINARY CLINIC
RESOLUTION NO. 2438

Mayor Phillips stated that the Planning Commission reviewed a special use permit request to allow a veterinary clinic be located at 1440 West 6th Avenue. The property is zoned I-1 Light Industrial. The applicant is Shirley Hill. The Planning Commission recommended approval of this request.

Interim City Clerk Shaunna Johnson noted that the neighbors had been contacted and none had objected to the clinic.

Justin Parsons, 2036 Dragonfly Drive, discussed the site plan for the veterinary clinic and presented his request for a special use permit for the clinic. He hopes to be operating by December 1, 2003.

MOTION

Commissioner Fagg moved that special use permit request to allow a veterinary clinic to be located at 1440 West 6th Avenue and that Resolution No. 2438, a resolution to authorize the special use permit, be approved.

Commissioner Shepherd seconded the motion.

Motion carried 5-0.

PRELILMINARY AND FINAL PLAT OF LUINSTRA'S ADDITION

Mayor Phillips stated that the Planning Commission reviewed the Preliminary & Final Plat of Luinstra's Addition at their last Planning Commission meeting. This plat covers the area located at the southeast corner of Commerce and Central Avenue, including the existing strip mall.

Interim City Clerk Shaunna Johnson stated that Mr. Lee Luinstra, would like to develop another portion of this area south of the strip mall. In the process of site plan review with Mr. Luinstra, it was discovered that the property he intended to develop was never platted. In order to continue with the site plan approval, it was recommended that the property be platted to conform to the Zoning Regulations. Mr. Luinstra is intending to construct an additional building for a showroom to display his merchandise.

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The Planning Commission recommended approval of the Preliminary and Final Plat of Luinstra's Addition with the following conditions: 1) that Lot 2 be allowed to have a 20 foot setback subject to change if the existing building were ever to be removed, and 2) that Lot 3 foot setback along Commerce Street be 25 foot rather than 40 foot. A copy of the Final Plat is included for your review.

MOTION

Commissioner Shepherd moved to accept the Final Plat of Luinstra's Addition.

Commissioner Clark seconded the motion.

317 WEST OLIVE CONDEMNATION

City Manager Stan Stewart stated that a public hearing was held on July 7, 2003, with a resolution of condemnation being approved providing ninety days to the property owner to complete the necessary repairs to 317 West Olive.

Mr. Stewart stated that the main issue is the condition of the property's foundation. Two structural engineers have submitted their joint recommendations providing for the repair of the foundation and other areas of concern. To date, the repairs have not been completed. City staff recommended the homeowner be allowed an additional 45 days to complete the work per the structural engineers' joint recommendations due to the amount of time it took to receive the recommendations. The work on the mortar should be an additional 120 days.

John Gardner, Manager of Kansas Gas Service discussed the reasons for the gas service being turned off. The reasons were stated as following:

- a. Basement has a furnace with no flue
- b. Water heater not installed.

Mr. Gardner also stated that a meter could not be set until a city inspection and pressure test had been completed.

Mr. Bruce Harris, Kansas Gas Service, stated that work had been done at the property. He said that gas service was turned off because of safety reasons.

Jerry Blount, 131 Hillside will do everything recommended by the joint report except the steel. Ramon Criss, 1855 Ridge Road said he would work with Mr. Blount to complete the necessary repairs as per the nonstructural engineers recommendation with minor revisions.

Commissioner Shepherd stated that it was time for all of this to come to an end. He stated that the complaint was not structural, but was about appearance and that different issues had come up and that things have gotten out of hand.

Commissioner Shepherd asked for a motion to adjourn to Executive Session Meeting for the purpose of taking up personnel issues without the presence of city staff.

Commissioner Fagg seconded the motion.

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City Attorney Mike Coash suggested it would be better to wait until the end since there were agenda items on the floor at this time.

MOTION

Commissioner Taylor moved to allow the home owner of 317 West Olive an additional 45 days, to include 120 days for said mortar work addressed by the engineers, until November 20, 2003, to effect the repairs as recommended by the structural engineers.

Commissioner Fagg seconded the motion.

The motion carried 3 to 2 with Commissioner Shepherd and Commissioner Fagg opposing.

**PROJECT NO. 227-RED BRICK STAMPED CONCRETE –
100 BLOCK E. PINE**

Assistant City Manager Gus Collins stated that providing authorization for this project was not included and that monies would be reimbursed through the state. He said that the city would have to fund it up front and that some grant monies would have to be filed.

Mayor Phillips stated that the Community Development Grant provides funds for installing Red Brick Stamped Concrete. Bids were taken to complete the sidewalk work in the 100 Block E. Pine as part of the 2003 Sales Tax Program under the Adopted July 15, 2002, Sidewalk Policy. All of the property owners on each side of this street agreed to replace all of their sidewalk as part of Project No. 959. The property owners were allowed a 50% savings if they replace all of the sidewalk along their building fronts. The City is paying for 50% of the cost of replacing a standard sidewalk. Since this block is in the grant area, the properties on each side were given the option to install red brick stamped concrete. The cost of the area of the standard sidewalk, where the red concrete would be placed, will be deducted from their assessments. The red concrete areas will be concrete paid out of the grant monies.

There is one exception, the easterly part of the sidewalk, along the north side of the El Dorado Arms Apartments, is actually the basement roof of the building. The sidewalk in this area will remain in place, in its current condition, because of the cost to the property owner. This section will be stained red to match the existing red areas.

Bids were taken October 6 and the results are now ready for consideration.

ORDINANCE NO. S1176

Commissioner Taylor moved that Ordinance No. S1176 an ordinance authorizing the issuance of temporary notes, in an amount not to exceed \$18,000, in payment of the cost of Project No. 227, 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 D. Shepherd	yes
Position No. 4	Commissioner Michael A. Fagg	yes
	Mayor Connie Phillips	yes

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Mayor Connie Phillips asked that the bids be spread for the record.

Commissioner Taylor moved that as Demo Construction, L.L.C. has submitted the lowest and best bid in the amount of \$13,725.00, for Project No. 227, the City

Manager be directed to award the contract to said Contractor, providing that the company furnishes the proper Bonds.

Commissioner Clark seconded the motion.

Motion carried.

MONITORING WELL ON PUBLIC RIGHT-OF-WAY

Mayor Phillips stated that Handex of Kansas has submitted a use of right-of-way permit on behalf of Coastal Mart, Inc. in order to conduct a portion of a Kansas Department of Health and Environment Limited Site Assessment at the 1400 Block of North Main. It is the intent of Coastal Mart to diligently pursue the investigation and remediation of sites in Kansas on a site-specific basis. Handex has been requested to perform this assessment in order to obtain soil and groundwater samples and install groundwater monitoring wells related to potential petroleum hydrocarbon contamination under the Coastal Mart site.

Mayor Phillips asked if there was any suspicion of contamination or if we wanted to make sure there was none.

City Engineer Dave Wagner stated that he wasn't sure if that was the reason, but sometimes banks and lending institutions require this.

MOTION

Commissioner Clark moved that Handex of Kansas be allowed to place one monitoring well on the public right-of-way in the 1440 Block of North Main Street.

Commissioner Shepherd seconded the motion.

CITY MANAGER'S REPORT

Mayor Phillips stated that the City Manager's Report was open to City Manager, Stan Stewart.

City Manager Stewart stated that the next regular Work Session would be Wednesday, October 15, 2003 at 7 p.m. if this date and time was suitable for everyone.

Commissioner Fagg asked about the update on South Main.

City Attorney Mike Coash stated that he was going to deliver the response to Mr. Bishop's attorney. He said that the city would demolish those structures and use the insurance money that was retained and the balance of the money would be assessed through the property.

Commissioner Fagg stated that he would like to discuss at the Work Session the reason we did not get the city's name on the insurance check. He thinks it was a mistake.

City Attorney Mike Coash stated that it was Mr. Bishop's responsibility to notify the insurance company. Mr. Coash said that he has not investigated the matter and does not know if the insurance company was aware of the city's contract with Mr. Bishop.

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Commissioner Fagg stated that on September 30th he received an e-mail from City Manager Stan Stewart along with a copy of the contract on aviation – Todd and Jo Peterson concerning the lease on aviation activities at the airport. He asked what the city would receive from of the deal.

City Manager Stan Stewart stated that the city would get the following: business that adds to the overall activity, economic health of the airport and economic development activities, money from gas sales, hangar leases, and all activity that is brought to the airport.

Commissioner Fagg asked about the change in the lease.

Assistant City Manager Gus Collins stated that the properties were switched and an amendment was made on the agreement.

EXECUTIVE SESSION

Commissioner Shepherd moved to move into Executive Session for the purpose of discussing personnel issues for a period of 30 minutes.

Commissioner Fagg seconded the motion.

Motion carried 3 to 2 with Mayor Phillips and Commissioner Taylor opposing.

The Mayor and Commissioners returned at 9:45 p.m. and announced that no decisions were made and that they would go into Executive Session at a later date to discuss personnel issues.

Commissioner Taylor moved to move into an Executive Session for the purpose of discussing legal for 15 minutes.

Commissioner Clark seconded the motion.

ADJOURNMENT

Mayor Phillips and the Commissioners returned at 10:15 p.m. The meeting was then adjourned.

Interim City Clerk Shaunna Johnson

Mayor Connie Phillips