

**EL DORADO CITY COMMISSION MEETING**

**October 6, 2008**

The El Dorado City Commission met in regular session on October 6, 2008, at 7:00 p.m. in the Commission Room with the following present: Mayor Tom McKibban, Commissioner Linda Clark, Commissioner Steve Reynolds, Commissioner Steve Pershall, Commissioner David Chapin, City Manager Herb Llewellyn, Assistant City Engineer Scott Rickard, City Clerk Kendra Porter, and City Attorney Jim Murfin.

**VISITORS**

Brad Meyer	2012 Chelsea Dr.	El Dorado, Kansas
Julie Clements	El Dorado Times	El Dorado, Kansas
Teri Jimenez	622 Park Ave	El Dorado, Kansas
Elizabeth Houck	401 S. Alleghany	El Dorado, Kansas
Trent & Beth Gunter	1725 Candace Lane	El Dorado, Kansas
Margie Peffley	809 S. Star St.	El Dorado, Kansas
Mary Miller	819 S. Star St.	El Dorado, Kansas
Barbara Jean Feller	811 S. Star St.	El Dorado, Kansas
Tammy Jones	712 Park Ave	El Dorado, Kansas
Tina Martin	317 Hunton Rd	El Dorado, Kansas
Bob Hendricks	207 S. Topeka	El Dorado, Kansas
Stan Seymour	827 N. Washington	El Dorado, Kansas
Sherry & Bobby Hendricks	751 Audrey Dr.	El Dorado, Kansas
Alex Pennington	2320 Gentry Lane	El Dorado, Kansas
Lee Huff	1425 W. Olive	El Dorado, Kansas
Linda Swan	1403 Park Ave.	El Dorado, Kansas
Ali Olthoff	925 River Rd., Apt 505	El Dorado, Kansas
John & Sydney Scanlon	1331 Joyce	El Dorado, Kansas
Denise Carter	1856 Ridge Rd.	El Dorado, Kansas
Chelsie Meyer	2012 Chelsea Dr.	El Dorado, Kansas

**CALL TO ORDER**

Mayor Tom McKibban called the October 6, 2008, City Commission meeting to order.

**INVOCATION**

The Reverend Stan Seymour, First Christian Church, opened the meeting with prayer.

**PLEDGE OF ALLEGIANCE**

Ms. Denise Carter’s Third grade students from Lincoln Elementary School led the Pledge of Allegiance.

**PERSONAL APPEARANCE**

Linda Swan, President of the El Dorado United Way, updated the Commission on this year’s United Way kick-off with a goal of \$275,000.

**PROCLAMATIONS**

Mayor Tom McKibban read a proclamation to proclaim October 10<sup>th</sup> through October 12<sup>th</sup> as Helping People with Intellectual Disabilities Days.

**PUBLIC COMMENTS**

Mayor Tom McKibban opened the floor for public comments.

Elizabeth Houck, 401 South Alleghany, requested an explanation for the change in daycare requirements regarding off-street parking.

City Manager Herb Llewellyn stated that Staff is considering grandfathering some requirements but needs more time to research.

**CONSENT AGENDA**

- a. Approval of the September 15, 2008, City Commission minutes.
- b. Approval of the September 29, 2008, Special City Commission minutes.
- c. Approval of Appropriation Ordinance No. 9-08 in the amount of \$1,884,078.43.
- d. Approval of Resolution No.2612, a resolution to renew Butler County as a designated non-metropolitan region of the Kansas Enterprise Zone Act, to allow participation in economic development programs.
- e. Approval of the Engineer's First Pay Estimate dated September 25, 2008, on Project No. 307, Paving Prairie Land Estates 2<sup>nd</sup> Addition to the Contractor, Cornejo & Sons, in the amount of \$123,358.45.
- f. Approval of the Engineer's Third Pay Estimate dated September 25, 2008, on Project No. 308, Sanitary Sewer Prairie Land Estates 2<sup>nd</sup> Addition to the Contractor, Nowak Construction, in the amount of \$16,391.30.

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

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

**APPLICATION TO REZONE PROPERTY FROM R-1 RESIDENTIAL LOW DENSITY DISTRICT TO R-3 MULTIPLE-FAMILY DWELLING DISTRICT, (CASE NO. 08-001-REZ)**

Assistant to the City Manager Matt Rehder stated that applicant, Wade Wilkinson, is requesting property located on South Taylor Street be rezoned from R-1 Residential Low Density District to R-3 Multiple-Family Dwelling District.

At the September 4, 2008, Planning Commission meeting, after review of the facts in the case and the information submitted at the public hearing, the Planning Commission approved the rezoning application by a vote of 7 to 0.

**ORDINANCE NO G-1039**

Commissioner Linda Clark moved that the recommendation of the Planning Commission to approve Case No. 08-001-REZ requesting a rezoning of certain property located on South Taylor Street, be accepted and that Ordinance No.G-1039, be approved.

Commissioner David Chapin seconded the motion.

**ROLL CALL**

Position No. 4	Commissioner David Chapin	Yes
	Mayor Tom McKibban	Yes
Position No. 1	Commissioner Steve Reynolds	Yes
Position No. 2	Commissioner Linda Clark	Yes
Position No. 3	Commissioner Steve Pershall	Yes

**SPECIAL USE PERMIT TO ALLOW A DAY CARE CENTER ON PROPERTY LOCATED AT 712 W. PARK, ZONED R-1 RESIDENTIAL-LOW DENSITY DISTRICT (CASE NO. 08-011-SUP)**

Assistant to the City Manager Matt Rehder stated that the applicant, Tammy Jones, is requesting a Special Use Permit to allow a Day Care Center at 712 W. Park. The property is zoned R-1, Residential-Low Density District.

At the September 4, 2008, Planning Commission meeting, after review of the facts in the case and the information submitted at the public hearing, the Planning Commission approved the Special Use Permit for the establishment of the Day Care Center by a vote of 6 to 0.

**ORDINANCE NO G-1040**

Commissioner Linda Clark moved that the recommendation of the Planning Commission to approve Case No. 08-011-SUP requesting a Special Use Permit to allow the establishment of a Day Care Center on property located at 712 W. Park be accepted and that Ordinance No. G-1040, be approved.

Commissioner Steve Reynolds seconded the motion.

**ROLL CALL**

Position No. 3	Commissioner Steve Pershall	Yes
Position No. 4	Commissioner David Chapin	Yes
	Mayor Tom McKibban	Yes
Position No. 1	Commissioner Steve Reynolds	Yes
Position No. 2	Commissioner Linda Clark	Yes

**SPECIAL USE PERMIT TO ALLOW A DAY CARE CENTER ON PROPERTY LOCATED AT 1725 CANDACE LANE, ZONED R-1 RESIDENTIAL-LOW DENSITY DISTRICT (CASE NO. 08-012-SUP)**

Assistant to the City Manager Matt Rehder stated that the applicant, Elisabeth Gunter, is requesting a Special Use Permit to allow a Day Care Center at 1725 Candace Lane. The property is zoned R-1, Residential-Low Density District.

At the September 4, 2008, Planning Commission meeting, after review of the facts in the case and the information submitted at the public hearing, the Planning Commission approved the Special Use Permit for the establishment of the Day Care Center by a vote of 6 to 0.

**ORDINANCE NO G-1041**

Commissioner Linda Clark moved that the recommendation of the Planning Commission to approve Case No. 08-012-SUP requesting a Special Use Permit to allow the establishment of a Day Care Center on property located at 1725 Candace Lane be accepted and that Ordinance No.G-1041, be approved.

Commissioner Steve Pershall seconded the motion.

**ROLL CALL**

Position No. 2	Commissioner Linda Clark	Yes
Position No. 3	Commissioner Steve Pershall	Yes
Position No. 4	Commissioner David Chapin	Yes
	Mayor Tom McKibban	Yes
Position No. 1	Commissioner Steve Reynolds	Yes

**PUBLIC HEARING – PROJECT NO. 296 – SANITARY SEWERS**

Assistant City Engineer Scott Rickard stated that Project No. 296 is complete. The City Commission established this date to spread the special assessments to the properties.

**Project No. 296 – Sanitary Sewer 803, 809, 811 S Star & 311 W Kansas**

Preliminary Estimate	\$27,000.00
Final Cost	\$16,975.21
Improvement District Cost	\$16,975.21
City at Large Cost	\$ 0.00

**PUBLIC HEARING**

Mayor Tom McKibban opened the public hearing for comments.

With on one appearing, Mayor McKibban closed the public hearing.

**ORDINANCE NO S-1297**

Commissioner Steve Pershall moved that Ordinance No. S-1297, an ordinance levying special assessments on certain property to pay the costs of internal improvements in the City of El Dorado, Kansas, as heretofore authorized by resolution 2591 of the City; and providing for the collection of such special assessments.

Commissioner David Chapin seconded the motion.

**ROLL CALL**

Position No. 1	Commissioner Steve Reynolds	Yes
Position No. 2	Commissioner Linda Clark	Yes
Position No. 3	Commissioner Steve Pershall	Yes
Position No. 4	Commissioner David Chapin	Yes
	Mayor Tom McKibban	Yes

**PUBLIC HEARING – PROJECT NO. 305 – RESIDENTIAL SIDEWALKS**

Assistant Engineer Scott Rickard stated that Project No. 305 is complete. The City Commission established this date to spread the special assessments to the properties.

**Project No. 305 – Residential Sidewalks**

Preliminary Estimate	\$30,470.29
Final Cost	\$32,693.72
Improvement District Cost	\$24,625.60
City at Large Cost	\$ 8,068.12

**PUBLIC HEARING**

Mayor Tom McKibban opened the public hearing for comments.

With on one appearing, Mayor McKibban closed the public hearing.

**ORDINANCE NO S-1298**

Commissioner Linda Clark moved that Ordinance No. S-1298, an ordinance levying special assessments on certain property to pay the costs of internal improvements in the City of El Dorado, Kansas, as heretofore authorized by resolution 2598 of the City; and providing for the collection of such special assessments.

Commissioner Steve Reynolds seconded the motion.

**ROLL CALL**

	Mayor Tom McKibban	Yes
Position No. 1	Commissioner Steve Reynolds	Yes
Position No. 2	Commissioner Linda Clark	Yes
Position No. 3	Commissioner Steve Pershall	Yes
Position No. 4	Commissioner David Chapin	Yes

**PUBLIC HEARING – PROJECT NO 308 – SANITARY SEWER – PRAIRIE LAND ESTATES 2<sup>ND</sup> ADDITION**

Assistant Engineer Scott Rickard stated that Project No. 308 is complete. The City Commission established this date to spread the special assessments to the properties.

**Project No. 308 – Sanitary Sewer-Prairie Land Estates 2<sup>nd</sup> Addition**

Preliminary Estimate	\$195,540.50
Final Cost	\$173,910.85
Improvement District Cost	\$173,910.85
City at Large Cost	\$ 0.00

**PUBLIC HEARING**

Mayor Tom McKibban opened the public hearing for comments.

With on one appearing, Mayor McKibban closed the public hearing.

**ORDINANCE NO S-1299**

Commissioner Steve Reynolds moved that Ordinance No. S-1299, an ordinance levying special assessments on certain property to pay the costs of internal improvements in the City of El Dorado, Kansas, as heretofore authorized by Resolution No. 2600 of the City; and providing for the collection of such special assessments.

Commissioner Steve Pershall seconded the motion.

**ROLL CALL**

Position No. 4	Commissioner David Chapin	Yes
	Mayor Tom McKibban	Yes
Position No. 1	Commissioner Steve Reynolds	Yes
Position No. 2	Commissioner Linda Clark	Yes
Position No. 3	Commissioner Steve Pershall	Yes

**RECEIVE PETITION – PROJECT NO 306 – LANDSCAPE WALL – OAKS ADDITION**

Assistant City Engineer Scott Rickard stated that the property owners in the Oaks Addition have requested a landscape wall to be located in the public utility easement. The City will not be responsible for construction of the wall but simply administering the project.

**RECEIVING THE PETITION**

City Clerk reports to the Commission that the petition for the construction projects, signed by the majority of the resident owners of record of property liable for assessment, is sufficient for Project No. 306.

**RESOLUTION NO 2613**

Commissioner Steve Pershall moved that Resolution No. 2613, a resolution determining the advisability of the making of certain internal improvements in the City of El Dorado; making certain findings with respect thereto; and authorizing and providing for the making of the improvements in accordance with such findings (The Oaks Addition area wall improvements/Project No. 306).

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

**RECEIVE PETITION – PROJECT NO. 309 – WATER LINES – PRAIRIE LAND ESTATES 2<sup>ND</sup> ADDITION**

Assistant City Engineer Scott Rickard stated that the developer of Prairie Land Estates Addition has requested water lines to be placed in the 2<sup>nd</sup> Addition. The City has received the petition.

**RECEIVING THE PETITION**

City Clerk reports to the Commission that the petition for the construction projects, signed by owners of 100% percent of the resident owners of record of property liable for assessment, is sufficient for Project No. 309.

**RESOLUTION NO 2614**

Commissioner Steve Reynolds moved that Resolution No. 2614, a resolution determining the advisability of the making of certain internal improvements in the City of El Dorado; making certain findings with respect thereto; and authorizing and providing for the making of the improvements in accordance with such findings (water improvements/Project No. 309).

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

**FRANCHISE FEE AGREEMENTS – NAVIGATOR TELECOMMUNICATIONS LLC & DPI TELECONNECT, LLC**

City Manager Herb Llewellyn stated that several telecommunication companies were discovered to be working in the city limits of El Dorado. A letter was sent to all known companies; two responded and requested a contract franchise ordinance with the City of El Dorado be approved and passed. However, City Manager Llewellyn asked the Commission for additional time to make revisions to the ordinances to mirror the same agreement as AT & T.

Commissioner Linda Clark moved to table this item until October 20, 2008.

Commissioner David Chapin seconded the motion.

Motion carried 5-0.

**NEW BUSINESS – DISCUSSION ITEMS**

Mayor Tom McKibban opened the floor for Commissioners' comments.

Commissioner Steve Reynolds reminded the public of the minimum \$95 fee if the City must mow a property.

Commissioner Linda Clark thanked all the City employees that participated in the Fire Open House in observance of National Fire Prevention week.

Commissioner Steve Pershall stated his concern with the log jam at the east branch of the Walnut River.

City Manager Herb Llewellyn explained that the City is in the process of borrowing a track hoe to clear the log jam.

Commissioner Pershall complained of trucks driving through town off of the truck route.

City Manager Llewellyn stated that trucks driving off the truck route are a point of emphasis and the City is actively issuing tickets.

Commissioner David Chapin asked what citizens should do during the weekend if they need animal control assistance.

City Manager Llewellyn stated that depending on the emphasis of the problem, the Police Department should be able to assist.

Commissioner Chapin inquired about the size of the turn lanes on West Central.

Assistant City Engineer Scott Rickard assured the Commission that all the turn lanes were the same width.

Mayor Tom McKibban stated that he has received several complaints regarding skunks.

Assistant Public Works Director Brad Meyer stated that this is mating season. The City is in the process of trapping skunks at Dillon's. However, as long as citizens continue to feed the feral cats, this will continue to be a problem.

Mayor McKibban stated his concerns with 911 response time.

City Manger Llewellyn indicated that the City has developed a complaint form for Staff and citizens to complete. All complaints will be addressed with the County.

Mayor McKibban stated that he has received a complaint of the ADA accessibility at the Post Office.

Mayor Tom McKibban closed the Commissioners' comments.

### **CITY MANAGER'S REPORT**

City Manager Herb Llewellyn stated that he received a thank you letter from Main Street for waiving the Civic Center fee for a recent fundraiser.

City Manager Llewellyn inquired if the Commission would be interested in placing a question on an election ballot regarding the Commissioners' salary.

Commissioner Steve Reynolds proposed getting a consensus from the League of Kansas Municipalities meeting this weekend and he would update the rest of the Commissioners and Staff.

City Manager Llewellyn stated that the International Code Council made a recent change to require sprinkler systems in new single family dwellings.

City Manager Llewellyn stated that there will be a Work Session on October 15, 2008 at 3:30 pm.

City Manager Llewellyn reported some of the County's reverse 911 difficulties the City experienced during the recent flooding.

City Manager Llewellyn stated that the Rotary club will be doing cleanup on the bike path on Saturday starting at 8 am.

Mayor Tom McKibban read a thank you letter from Ms. Neilson.

**EXECUTIVE SESSION**

Mayor Tom McKibban stated that this item is for the purpose of discussing non-elected personnel and legal issues.

Commissioner Steve Reynolds moved to recess into an Executive Session for the purpose of discussing non-elected personnel and legal issues, and to reconvene the regularly scheduled meeting in the City Commission room at 8:35 pm.

Commissioner David Chapin seconded the motion.

Motion carried 5-0.

Mayor Tom McKibban reconvened the meeting at 8:35 pm.

**ADJOURNMENT**

Commissioner David Chapin moved to adjourn the meeting at 8:35 pm.

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

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City Clerk Kendra Porter

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Mayor Tom McKibban