

EL DORADO CITY COMMISSION MEETING

October 18, 2004

The El Dorado City Commission met in regular session on October 18, 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 Engineer Dave Wagner, City Attorney Mike Coash, and City Clerk/Finance Director Dee Anne Grunder. City Manager Gus Collins was absent.

VISITORS

Mark Elwood	El Dorado Times	El Dorado, Kansas
James Cook	719 Fredrick Dr.	El Dorado, Kansas
Bethany & Dante Bonomini	925 River Road	El Dorado, Kansas
Gary L. Ball	817 W. 4 th	El Dorado, Kansas
Stan Seymour	827 N. Washington	El Dorado, Kansas
Mark Riddle	515 N. Summit	El Dorado, Kansas
Kurt Bookout	2520 Kacy Court	El Dorado, Kansas
Mike Harvey	S.E. 12 th	El Dorado, Kansas
Larry Adams	1756 W. 3 rd	El Dorado, Kansas
Jerry Blount	131 N. Hillside	El Dorado, Kansas

CALL TO ORDER

Mayor Connie Phillips called the October 18, 2004, meeting to order.

INVOCATION

The Reverend Stan Seymour opened the meeting with prayer.

PLEDGE OF ALLEGIANCE

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

CONSENT AGENDA

- a) Approval of the October 5, 2004, City Commission minutes.
- b) Approval of the October 11, 2004, Work Session minutes.

Commissioner Fagg noted a change to the minutes.

Commissioner Shepherd moved that the Consent Agenda, as amended, be approved.

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

VACATION OF EASEMENT IN LOTS 1 AND 3, WAL MART ADDITION SECTION 1

Mayor Connie Phillips stated that the City of El Dorado has received a request from the owners of this property to vacate the 20-foot utility easement extending from north to south, through the middle of the lot. The easement was originally dedicated through the center of Lot 4, Block Two, of the Becker Addition. All public utilities have been notified of this consideration, and all have indicated that the vacation is acceptable.

City Engineer Dave Wagner stated it will be published, and there will be a 31-day protest period.

ORDINANCE S-1217

Commissioner Shepherd moved that Ordinance No. S-1217, an ordinance providing for the vacation of the 20-foot utility easement through the middle of Lot 3, and extending to the north of Lot 1, Wal-Mart Addition Section 1, be approved.

Commissioner Taylor seconded the motion.

Commissioner Shepherd stated that this was an oversight in the original plat.

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

WASTEWATER TREATMENT PLANT CONSTRUCTION AND ZEBRA MUSSELS UPDATE

ZEBRA MUSSELS

Public Utilities Director, Kurt Bookout, 2520 Kacy Ct., stated another lake draw/down is planned for this winter. The zebra muscle population is rapidly growing, but he feels the drawn/down is an effective way of slowing down the growth. There has been no sign of zebra muscles at the Water Treatment Plant, and Frontier Refinery has not found any in their intake structure. Water quality has been monitored, and no change has been found. Mr. Bookout stated that they can draw/down about 3½ feet.

Mayor Phillips questioned the anticipated impact on the water.

Mr. Bookout stated that there would definitely be an impact, but he was unsure if it would be positive or negative.

Commissioner Fagg asked if there was any assistance at the Federal level.

Mr. Bookout stated that he does not know of any, but the cost will be shared between the State, Frontier Refinery and the City.

WASTEWATER TREATMENT PROJECT UPDATE

Public Utilities Director Kurt Bookout stated he and City Manager Gus Collins met with Professional Engineering Consultants on September 29th for the 60 % design meeting. KDHE has performed an environmental review for the State Revolving Loan Fund. Plans are to bid the project around the first of the year.

Mayor Phillips asked what the anticipated total cost of the project is.

Mr. Bookout stated it will cost \$11.583 million, including the 304 acres of land.

Mayor Phillips asked how much was requested from the Revolving Loan Fund.

Mr. Bookout stated the requested amount was approximately \$10.583 million. He stated land acquisition cost could not be included. We have already been accepted for the loan.

Commissioner Fagg asked the rate on the loan.

Mr. Bookout stated the rate varies from month-to-month. It is around 2.9 – 3%.

BOARD APPOINTMENTS

Mayor Phillips stated the Planning Commission consists of seven members who live within the city limits and two members who live outside the city limits. Richard Wormser, who lives out of town, has resigned his Planning Commission appointment. Red Acklin, another Planning Commission member, has moved outside the city limits, which would require his resignation.

Mr. Acklin would like to continue his service and take the “out-of-town” appointment of Mr. Wormser. To replace the “in-town” commission opening left by Mr. Acklin’s moving, Rod Norris has agreed to serve in his stead.

Commissioner Fagg moved that Red Acklin be re-appointed to complete a three-year term ending April 1, 2006, and that Rod Norris be appointed to complete a three-year term ending April 1, 2007.

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

CITY MANAGER’S REPORT

Mayor Phillips stated there will be a Work Session on Monday, October 25th at 4:30 p.m.

BANKING SERVICES

Commissioner Fagg asked how many attended the pre-bid meeting for the banking services.

City Clerk/Finance Director Dee Anne Grunder stated that only one bank appeared at the first meeting, and two banks attended the second meeting.

Commissioner Fagg stated he would like a policy on the bid process for banking services and to be involved in the process.

Commissioner Taylor stated the Baseball Hall of Fame Dinner will be Saturday, October 23rd at 5:30 p.m. Ed Hearn, former major league player, will be the keynote speaker.

Public Utilities Director Kurt Bookout stated the 8th Annual Water Festival will be Tuesday, October 19th at Butler Community College.

Dave Wagner, City Engineer, stated that letters had been mailed to the Oil Hill Road property owners to advise them of an informational meeting on Wednesday, October 20th at 7:00 p.m. Mr. Wagner also noted that a meeting will be held with the Douglas Road property owners at 5:30 p.m. on Thursday, October 21st.

LITIGATION – WEST CENTRAL PROPERTY

Commissioner Fagg moved that the City Commission instruct the City Attorney to cease the legal action against Jerry Blount on the West Central property case.

Commissioner Shepherd seconded the motion.

Commissioner Taylor stated he feels this is unfair, because there were e-mails indicating this would be discussed at a Work Session in order to hear City Attorney Coash's advice and so that City Manager Collins could be present.

Commissioner Fagg stated he feels this has already been discussed many times.

Commissioner Shepherd stated that he does not feel another Executive Session is going to change anyone's opinion.

Commissioner Taylor stated he feels we should wait until City Manager Collins is present before a decision is made. Mr. Taylor stated that he has the Community's best interest in mind.

City Attorney Coash stated that Mr. Bount is incurring no expense.

Commissioner Clark stated it is not going to hurt anything to wait. She stated that she feels she is being placed in a bad position.

Mayor Phillips called for a vote regarding the City Commission dropping the appeal against Jerry Blount on his West Central property. Motion did not carry, 2-3 (Commissioners Taylor and Clark and Mayor Phillips opposed).

ADJOURNMENT

Mayor Phillips adjourned the meeting at 8:25 p.m.

City Clerk Dee Anne Grunder

Mayor Connie Phillips