

EL DORADO CITY COMMISSION MEETING MINUTES October 18, 1999

The El Dorado City Commission met in regular session on October 18, 1999 at 7:30 p.m. with the following present: Mayor Susan J. Seeber, Commissioner Brian L. Clites, Commissioner Betty Criss, commissioner Betty J. Kirkpatrick, Commissioner Don Storrer, City Manager Stan Stewart, City Director of Administration Gus Collins, City Engineer Bruce Remsberg, City Public Utilities Director Richard Porter, City Water/Sewer Plant Supervisor Kurt Bookout, and City Attorney Mike Coash. City Clerk Janet L. Arnold was absent.

VISITORS

Larry Dale Crawford	1856 Ridge Road	El Dorado, Kansas
Michael Boucher	El Dorado Times	El Dorado, Kansas
Jason Walker	522 N. Denver	El Dorado, Kansas
Mary Walker	522 N. Denver	El Dorado, Kansas
David Yearout	1710 Post Court	El Dorado, Kansas
Pastor Richard Edds	1815 Quail Run	El Dorado, Kansas

INVOCATION

Pastor Richard Edds provided the invocation.

PLEDGE OF ALLEGIANCE

The Boy Scouts of America – Troop 222 led the Governing Body and the audience in the Pledge of Allegiance.

PERSONAL APPEARANCES

Leadership Butler – Steve Pershall

Mr. Steve Pershall, representative of Leadership Butler Alumni Association, appeared before the Governing Body to promote 2000 Butler County Outlook Conference to be held January 6, 2000. He provided them with the schedule of events for this conference.

CONSENT AGENDA

- A. Approval of the October 5, 1999 City Commission Minutes.
- B. Approval of the October 8, 1999 Work Session Minutes.
- C. Approval of the October 12, 1999 Work Session Minutes.

Commissioner Clites moved the consent agenda, as amended, be approved.

Commissioner Kirkpatrick seconded the motion and it carried 5-0

GENERAL OBLIGATION BOND ISSUE - \$1,015,000 – CIVIC CENTER PROJECT

Mr. Chuck Bouilly, representative of George K. Baum Company noted that this involves two bond issues which include \$890,000 of tax exempt bonds and \$125,000 taxable bonds.

Chuck Bouilly then spread the bids for the record.

SERIES A, 1999 - \$890,000

Bidder	Net Interest Cost	Average Annual Net Interest Rate
UMB Bank, N.A., Kansas City Missouri	\$260,353.47	4.954395%
Midwest Capital Management, Inc., Kansas City, MO	262,457.50	4.99443%
Commerce Bank, N.A., Kansas City, MO	263,100.00	5.006660%
Country Club Bank, N.A., Kansas City, MO	265,937.50	5.060657%

SERIES B, 1999 - \$125,000

Commerce Bank, N.A., Kansas City, Missouri	28,625.00	7.246835%
Country Club Bank, N.A., Kansas City, MO	28,721.25	7.271203%
Midwest Capital Management, Inc., Kansas City, MO	28,800.00	7.29113%
UMB Bank, N.A., Kansas City, MO	29,510.77	7.471081%

SERIES A, 1999 - \$890,000

Mayor Seeber moved to authorize the firm of UMB Bank, n.a., Kansas City, Missouri be awarded the General Bond Issue with a net interest rate of 4.954395% in the amount of total interest of \$260,353.47 be approved.

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

SERIES B, 1999 - \$125,000

Mayor Seeber moved to authorize the firm of Commerce Bank, n.a., Kansas City Missouri be awarded the General Bond Issue with a net interest rate of 7.246835% in the amount of total interest of \$28,625 be approved.

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

BOND ORDINANCE NO. S-1077

Commissioner Kirkpatrick moved and authorized Ordinance #S-1077 “AN ORDINANCE OF THE CITY OF EL DORADO, KANSAS AUTHORIZING AND

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PROVIDING FOR THE ISSUANCE OF THE CITY’S GENERAL OBLIGATION PUBLIC BUILDING BONDS – SERIES A 1999, AND THE CITY’S TAXABLE GENERAL OBLIGATION BUILDING BOND – SERIES B 1999 IN THE TOTAL PRINCIPAL AMOUNT OF \$1,015,000 FOR THE PURPOSE OF FINANCING THE COST OF CERTAIN IMPROVEMENTS TO THE CIVIC CENTER.”

Commissioner Clites seconded the motion.

ROLL CALL

Mayor Susan J. Seeber	yea
Commissioner Brian L. Clites	yea
Commissioner Betty Criss	yea
Commissioner Betty J. Kirkpatrick	yea
Commissioner Don Storrer	yea

DISCLOSURE STATEMENT

RESOLUTION NO. 2244

Commissioner Storrer moved to approve Resolution No. 2244 “A RESOLUTION PROVIDING A DISCLOSURE STATEMENT ON THE BOND ISSUE.”

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

CIVIC CENTER LEASE AGREEMENTS

City Manager Stewart stated that the proposed motions regard the leasing of the south portion of the proposed Civic Center site to the Army Reserve. They have been unable to relocate to a suitable location. The first proposed action would release ONEOK from their five-year lease and the next action would enter into another lease for the same time frame with the Army Reserve. City staff recommends approval.

Commissioner Criss moved to release the firm of ONEOK from the existing lease agreement at 201 East Central

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

Commissioner Storrer moved to enter into a lease agreement between the City of El Dorado and the Army Reserve providing for the renting of the south half of the facility located at 201 East Central with the terms and conditions more specifically described therein.

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

CHARACTER CITY

City Manager Stewart stated that the International Association of Character Cities has outlined the proposed steps for cities to take in implementing the City of Character program, beginning with the adoption of a resolution by the governing body. The proposed resolution would establish El Dorado as a city of character and begin implementation of the program.

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City Manager Stewart noted that the second step involves the establishment of community coalition to oversee the program. It is recommended that that a steering committee (seven-member) be appointed to oversee the Character City program in El Dorado and ensure that program goals and objectives are met.

RESOLUTION NO. 2245

Commissioner Clites moved that Resolution No. 2245 “A RESOLUTION PROVIDING FOR THE CITY OF EL DORADO’S PARTICIPATION IN THE CITY WITH CHARACTER PROGRAM” be approved.

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

Mayor Seeber then read the resolution.

EL DORADO BUSINESS PARK

City Manager Stewart stated that in 1998 the City of El Dorado purchased a tract of land generally bordered by Central Avenue, Boyer Road, Towanda and the Turnpike. The proposed action and City staff’s recommendation for this would be to annex the entire area and then approve the planned development district and plat.

Mayor Seeber questioned the ownership of the royalties of the wells located on this property.

City Manager Stewart stated that the City did purchase the mineral rights.

Mayor Seeber then stated that the environmental study that had been performed indicated there were six wells on this location. She stated that she had been informed that there were 34 wells located on this property several of which were unplugged.

City Manager Stewart stated that a very lengthy study had been performed. Should there be some discrepancies City staff would review this situation.

City Attorney Coash noted that City staff could review this situation, but there would be no reason the Governing Body could not proceed with the proposed actions.

Commissioner Kirkpatrick questioned how names of the streets on the proposed plans for the Business Park were selected.

Mayor Seeber asked if the Engineering Department offers suggestions on names of streets.

City Manager Stewart noted that at the last El Dorado, Inc. meeting suggestions were requested for names of the streets.

Commissioner Kirkpatrick stated that she was not able to attend that meeting, therefore she had not been contacted in regard to the naming of these streets. She believed that she should at least be able to offer her opinion.

City Manager Stewart noted that the Governing Body had the recommendations from City staff before them on the proposed plat, should they have any changes to make to the plat, they should make those changes before their final approval of the plat.

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Mayor Seeber then questioned whether the pumping units located on this property would be required to be fenced.

City Manager Stewart noted that it had not yet been discussed, but City staff would review her suggestion.

Mayor Seeber then questioned the time frame that the city would require a water tower to be located within this area.

City Engineer Remsberg stated that he was not able to say when the demand would be high enough that one would be required.

Mayor Seeber then questioned whether there would be enough water pressure, without the construction of a new water tower, should a restaurant and motel be constructed during the first phase of this project.

City Engineer Remsberg stated that the motel would be required to have their own fire pump station to provide enough pressure to operate a sprinkler system. The City's obligation would be to provide them with enough flow to their pump station.

Mayor Seeber then questioned the issue of the cemetery.

Director of Administration Gus Collins stated that the City is still in negotiation with the El Dorado Township Trustees and will meet with them again in November, 1999.

ORDINANCE NO. G- 864

Commissioner Kirkpatrick moved that the recommendations of the Planning Commission be accepted and the Ordinance No. G-864, "AN ORDINANCE ADDING TO AND EXTENDING THE CITY LIMITS OF THE CITY OF EL DORADO, KANSAS BY ADDING TO AND ENLARGING AND EXTENDING THE CITY LIMITS TO INCLUDE CERTAIN TERRITORY HEREIN DESCRIBED," be placed on its passage and considered section by section.

Commissioner Criss seconded the motion.

ROLL CALL

Mayor Susan J. Seeber	yea
Commissioner Brian L. Clites	yea
Commissioner Betty Criss	yea
Commissioner Betty J. Kirkpatrick	yea
Commissioner Don Storrer	yea

ORDINANCE NO. G-865

Commissioner Criss moved that the recommendations of the Planning Commission be accepted and the Ordinance No. G-865, "AN ORDINANCE AMENDING PORTIONS OF THE ZONING REGULATIONS OF THE CITY OF EL DORADO, KANSAS, AS HEREINAFTER DESCRIBED," be placed on its passage and considered section by section.

Commissioner Storrer seconded the motion

ROLL CALL

Mayor Susan J. Seeber	yea
Commissioner Brian L. Clites	yea
Commissioner Betty Criss	yea
Commissioner Betty J. Kirkpatrick	yea
Commissioner Don Storrer	yea

PLAT

Commissioner Clites stated that he would be in favor of waiting until the next regularly scheduled City Commission meeting to approve the plat in order to have time to change the names of the streets.

Mayor Seeber moved that the public easements and rights-of-way contained in the Final Plat of the El Dorado Business Park be accepted.

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

Mayor Seeber moved that the City Manager be authorized to execute an agreement with Professional Engineering Consultants, PA for the design of streets, sewers, water lines and drainage in Phase I of the El Dorado Business Park.

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

LAND PRICE

Mayor Seeber suggested that this item be tabled until there is time to answer questions regarding the land price for Phase I. Since there were no objections, the land price item was tabled.

STREET IMPROVEMENT POLICY- Consideration of ordering improvements

City Manager Stewart stated that over the years there has been a lot of consideration of the unimproved streets. The Governing Body has been reviewing the existing street improvement policy for possible consideration to initiate action to improve certain streets within the city. The proposed plan is to order in improvements to streets that have never been improved, to meet City standards.

City Manager Stewart noted that approval of the proposed plan would direct City staff to prepare a Policy Statement setting out a schedule and procedures for the paving of certain unimproved streets in the city of El Dorado.

City Engineer Remsberg then provided a proposed schedule of the dates that the unimproved streets would be improved to meet City standards. He noted that public hearings would be held before construction begins. Property owners would have the opportunity to petition out of the improvements to their street

Commissioner Kirkpatrick moved to authorize City staff to proceed with preparing a formal policy for consideration.

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

INFLOW AND INFILTRATION REMOVAL PROGRAM

City Manager Stewart stated that City staff is prepared to implement the third phase of a program to address our Inflow and Infiltration problem. This program will inform the property owners if there are any violations occurring at their property and then offer information in order to correct these types of situations. The goal is to eliminate sump pump hook-ups to our sanitary sewer system. An intensive public information program is part of the program.

City Public Utilities Director Richard Porter stated that beginning November 1, 1999 two City employees, that will have City identification with them, will be going to residences and businesses throughout the city. They will be checking for open sewer clean outs, illegal sump pump or floor drain connections, and illegal roof drain or down spout connections. It will be noted in the news media, El Dorado Times and Channel 7, the areas of the city they will be checking.

Commissioner Clites questioned the approximate number of homes that the City will be checking.

Mr. Porter stated there would be 600 to 900 homes that the City will be checking.

Commissioner Clites then questioned the penalty that could be imposed.

Mr. Porter stated that City ordinance indicates that the penalty could be up to \$1,000. The first time it is checked the City will be requesting compliance within 30 days. The property owner will need to contact the City when it is corrected. The City will then go back out to check it again.

Commissioner Clites suggested beginning the program on December 1, 1999. This would give residents the opportunity to make the corrections in advance.

Mayor Seeber moved to authorize City staff to implement a program to remove the Inflow and Infiltration in the city's sanitary sewer system beginning effective December 1, 1999.

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

SOUTHWESTERN BELL FRANCHISE ORDINANCE – Second of three hearings

Mayor Seeber abstained from this item.

Vice Mayor Kirkpatrick stated that the first of three readings of this proposed ordinance was held October 5, 1999. The proposed ordinance and agreement provides for a revision in the method of calculation for the franchise assessment. The franchise fee would be keyed to the access lines as opposed to a percentage of the gross revenues. Also, the terms of this franchise is reduced to 5 years as opposed to the previous term. The change in the method of calculation will increase the revenue derived from the Southwestern Bell agreement.

City Manager Stewart stated that this is the second of the three readings for this ordinance. A waiting period would be in effect after publication which would make this effective January 1, 2000.

With no other comments, Vice Mayor Kirkpatrick turned the meeting back over to Mayor Seeber.

LIBRARY BOARD APPOINTMENTS

Mayor Seeber moved to appoint Sheryl Connell to fill the unexpired term on the Library Board.

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

BOARD OF ZONING APPEALS APPOINTMENTS

Commissioner Kirkpatrick moved to appoint Oral Taylor and David Sundgren to fill the vacancies on the Board of Zoning Appeals.

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

PAVING MILLHEISLER STREET – PHASE II

City Engineer Remsberg stated that Millheisler Street is located on the east side of the Super 8 Motel. A portion was dedicated to the City as a right-of-way and paved for their access, with no plat. One of the conditions for further development is a plat. This has now been platted and the owner of the property north of the Super 8 Motel is ready to develop it as a fun center. He now wants the street paved for access to that property.

RESOLUTION NO. 2246 – ORDERING A PUBLIC HEARING

Commissioner Criss moved that Resolution No. 2246 ordering a public hearing on the paving of Project No. 924, more specifically described therein, be adopted.

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

PAVING IN CRISS FIFTH ADDITION

Commissioner Criss abstained from this item.

RECEIVING THE PETITION

Mayor Seeber moved that the petition for paving in Block 1 in Criss Fifth Addition be received and that the City Clerk be instructed to have this petition checked for sufficiency.

Commissioner Clites seconded the motion and it carried 4-0-1, Commissioner Criss abstained.

SUFFICIENCY OF PETITION

It was reported to the Commission that the petition for a sanitary sewer to serve Block 1 in Criss Fifth, signed by Ramon and Betty Criss, representing 85.7 percent of the resident owners in the improvement district, is sufficient.

Commissioner Kirkpatrick moved that the report of sufficiency be accepted.

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Commissioner Clites seconded the motion and it carried 4-0-1, Commissioner Criss abstained.

RESOLUTION NO. 2247 - ADVISABILITY/RESOLUTION AUTHORIZING IMPROVEMENT COMBINED

Commissioner Storrer moved that Resolution No. 2247, A RESOLUTION OF FINDING AS TO ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVEMENT COMBINED, more specifically described therein, be adopted.

Mayor Seeber seconded the motion and it carried 4-0-1, Commissioner Criss abstained.

PREPARE PLANS, SPECIFICATIONS & ESTIMATE OF COST

Mayor Seeber moved that the City Manager be instructed to have plans, specifications and estimate of cost prepared for paving in Block 1, Criss Fifth Addition.

Commissioner Kirkpatrick seconded the motion and it carried 4-0-1, Commissioner Criss abstained.

SANITARY SEWER TO SERVE CRISS FIFTH ADDITION

Commissioner Criss abstained from this item.

RECEIVING THE PETITION

Commissioner Kirkpatrick moved that the petition for sanitary sewers to serve Block 1 in Criss Fifth Addition be received and that the City Clerk be instructed to have this petition checked for sufficiency.

Mayor Seeber seconded the motion and it carried 4-0-1, Commissioner Criss abstained.

SUFFICIENCY OF PETITION

It was reported to the Commission that the petition for sanitary sewers to serve Block 1 in Criss Fifth, signed by Ramon and Betty Criss, representing 85.7 percent of the resident owners in the improvement district, is sufficient.

Commissioner Storrer moved that the report of sufficiency be accepted.

Mayor Seeber Commissioner seconded the motion and it carried 4-0-1, Commissioner Criss abstained.

RESOLUTION OF ADVISABILITY/RESOLUTION AUTHORIZING IMPROVEMENT COMBINED NO. 2248

Commissioner Clites moved that Resolution No. 2248, A RESOLUTION OF FINDING AS TO ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVEMENT COMBINED, more specifically described therein, be adopted.

Commissioner Kirkpatrick seconded the motion and it carried 4-0-1, Commissioner Criss abstained.

PREPARE PLANS, SPECIFICATIONS & ESTIMATE OF COST

Mayor Seeber moved that the City Manager be instructed to have plans, specifications and estimate of cost prepared for sanitary sewers to serve Block 1, Criss Fifth Addition.

Commissioner Storrer seconded the motion and it carried 4-0-1, Commissioner Criss abstained.

TELECOM MARKETING L.L.C. AGREEMENT

City Attorney Mike Coash recommended that this item be tabled for further review.

LEASE WITH VOICE STREAM FOR COMMUNICATION DEVICES ON 6TH AVENUE WATER TOWER

City Attorney Mike Coash suggested that this item be tabled for further review.

MISCELLANEOUS

CIVIC CENTER

City Manager Stewart noted that the ground breaking ceremony for the Civic Center is scheduled for October 19, 1999 at 10:00 a.m.

RECYCLING CENTER

City Manager Stewart stated that the Kansas Department of Health and Environment spent three days visiting recycling centers and compost sites throughout Kansas. They visited El Dorado's recycling center and yard waste site on October 11, 1999 at 4:00 p.m.

WORK SESSION

A work session was scheduled for Tuesday, October 19, 1999 at 4:00 p.m. to discuss curbside recycling.

TRAFFIC STUDY

City Manager Stewart informed the commission that the final report was complete and provided copies to them.

ADJOURNMENT

Janet L. Arnold, City Clerk

Susan J. Seeber, Mayor

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