

**EL DORADO CITY COMMISSION MEETING MINUTES      October 20, 2003**

The El Dorado City Commission met in regular session on October 20, 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, City Engineer Dave Wagner, City Attorney Mike Coash, Interim City Clerk Shaunna Johnson.

**VISITORS**

Charles & Cathy Stevens	803 Charron Drive	El Dorado, Kansas
Betty Sullivan	935 S. Summit	El Dorado, Kansas
Robin Cune	150 Lawndale	El Dorado, Kansas
Carol Forest	935 S. Summit	El Dorado, Kansas
Sherry Dowdy		Agusta, Kansas
Tracy Phillips	121 E. 12 <sup>th</sup> Street	El Dorado, Kansas
Gene Ehrlich	121 E. 12 <sup>th</sup>	El Dorado, Kansas
Tim Baker	104 W. Carr	El Dorado, Kansas
Verlee Adam		El Dorado, Kansas
Faye Wilson	512 W. 12 <sup>th</sup>	El Dorado, Kansas
Darrell Whitney	206 Warren Road	El Dorado, Kansas
Lou Clennan	1845 Country Club	El Dorado, Kansas
Barabara Russell	220 Post	El Dorado, Kansas
Sherry Clymer	2500 Hazlett	El Dorado, Kansas
Jean Plummer	323 ½ N. Main	El Dorado, Kansas
Burt Long	402 S. Atchinson	El Dorado, Kansas
Jerry Blount	131 N. Hillside	El Dorado, Kansas
James Cook	719 Fredrick Drive	El Dorado, Kansas
Pat Hicks	1147 S. Arthur	El Dorado, Kansas
Carolyn S Marum	107 S. Main	El Dorado, Kansas
Bill Rebstock	113 S. Main	El Dorado, Kansas
Roger Joyce	1839 Terrace Drive	El Dorado, Kansas
Chet McCoy	336 Simpson Road	El Dorado, Kansas
Gary Reed	1123 W. Third	El Dorado, Kansas
Loren Wanosky	345 State	El Dorado, Kansas
Don Adlesperger	1285 S. Topeka	El Dorado, Kansas
Lionel Tipton		El Dorado, Kansas

Mayor Connie Phillips called to order the October 20, 2003 City Commission Meeting. She noted that The Reverend Bonnie Toombs was scheduled to give the invocation, but was unable to attend.

**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: Rustin Allen, Katy Randall, Logan Wilson, Bryce Gorrell, McLaren Stewart, and Zach Wilson.

Mayor Phillips noted that the Character Weeks Proclamation would be postponed.

**EMPLOYEE SERVICE AWARDS**

Mayor Phillips acknowledged the Employee Service Awards and turned it over to City Manager Stan Stewart.

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Mr. Stewart noted that the city recognizes city noticed deserving quality employees. The following were recognized for this year's service Awards: *Ten Year Service Awards* – Tim Baker, Police Department and Ralph E. Ehrlich, Public Utilities and *Twenty-five Year Service Award* – Charles Stevens, Public Utilities.

**PERSONAL APPEARANCES**

Jean Plummer, 323 ½ N. Main, El Dorado, representing Main Street, described her feelings about El Dorado compared to other towns. She stated that after taking two tours around town she was excited to hear how impressed both tours were with what El Dorado, Kansas had to offer.

Mrs. Plummer noted that the restoration of the Historic Pacific Hotel was completed and the city was invited to a Home Tour Open House on November 9<sup>th</sup> at 3:30 p.m. She stated that there would be a cover charge and the proceeds would go to Main Street. She also presented everyone with a *Negative Free Zone* gift.

**MOTION**

Commissioner Brian Shepherd moved to remove Agenda Item C from the Consent Agenda and vote for it separately to show support for Main Street.

Commissioner Linda Clark seconded the motion.

Motion carried 5 to 0.

**PROCLAMATIONS**

Mayor Phillips stated that Officer Smith was detained so she would not be able to speak about Character Counts Week. She stated that this week was proclaimed for Character Counts Week for kids. She noted that it teaches kids about six pillars of character; trustworthiness, respect, responsibility, fairness, caring and citizenship.

**RESOLUTION 2439**

Mayor Phillips asked Commissioner Shepherd to read Resolution 2439.

Commissioner Shepherd read the Resolution of Support...

*Be it resolved that economic health and cultural vibrancy of downtown El Dorado, Kansas is crucial to the overall well being of the City of El Dorado;*

*And, be it resolved that the City of El Dorado, Kansas Dorado supports, through Main Street's revolving loan program, small business assistance program, financial contributions to the revitalization effort, and commitment to maintaining, whenever possible, local government offices in the downtown area, materially participates in efforts to revitalize downtown El Dorado;*

*And, be it resolved that the City of ElDorado believes that downtown revitalization efforts in El Dorado represent a collaborative effort among public and private sector contributions to preserve the historic attributes of the downtown El Dorado community.*

*Now therefore be it resolved that the City of ElDorado fully supports this*

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*entry into the Great American Main Street Awards competition.*

*Adopted by the City Commission of the City of El Dorado, Kansas  
Dorado, on this 20<sup>th</sup> day of October 2003.*

**MOTION**

Commissioner Shepherd moved that Resolution 2439, a Resolution providing support of the Main Street Activities be approved.

Commissioner Taylor seconded

Motion carried 5-0.

**CONSENT AGENDA**

Commissioner Clark noted on the Work Session minutes for October 7<sup>th</sup> that it stated the Salvage Trucking, but should read Drisco Company.

Mayor Phillips asked if there were anymore corrections or additions.

Commissioner Taylor stated that he had a request on the last page of the City Commission Minutes of October 6<sup>th</sup>. To reflect the result of the vote on the Executive Session Meeting to discuss personnel issues.

- A. Approval of the October 6, 2003 City Commission minutes.
- B. Approval of the October 15, 2003 Work Session minutes.
- C. Approval of amending the IUSI contract regarding landlord's waiver.

Mayor Phillips stated that they were considering the Consent Agenda with amendments to A & B.

**MOTION**

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

Commissioner Taylor seconded the motion.

Motion carried 5-0.

**DRISCO, L.L.C.**

Mayor Phillips stated that Drisco, L.L. C. desires to purchase 8.5 acres in our Industrial Park to locate a trucking business. In order to provide a suitable tract of land, the City will acquire .80 acres from Omega Coating and 1 acre from Lee and Michele A. Steinhauer. The purchase price will be \$1,100 (we subtracted the easement area). Omega Coating and the Steinhauers will be paid the amount they paid. The Steinhauers get an option/right of refusal for 1 acre of the north of their property.

Steve Funk, 1810 Lawndale stated that El Dorado Inc. is currently working with four different business prospects who are considering relocating to the community. He stated that they had just made initial contact with two of them. The third prospect is close making an announcement. He noted that the City Commission has an opportunity to turn the fourth, Drisco into a done deal. Scott Dornbass is acquiring the property in order to relocate his trucking business to El Dorado, Kansas Dorado.

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Commissioner Taylor asked how many employees he would have and Scott said he would have 21 and we will be taking on another one at a later date.

Mayor Phillips welcomed Scott and indicated the city was excited to have the new business.

City Manager Stewart told the Mayor and Commissioners that the City Staff in conjunction with El Dorado Inc. had been meeting with Mr. Dornbass and offered him a piece of property in the industrial park on Haverhill Road from Omega Coating and the Steinhauers. Mr. Stewart stated that both parties were receptive and would be willing to work with them. He also stated that the agreement he was proposing was a three-part agreement where they acquire two pieces of property and sale a third piece. It would provide 8.5 acres to Mr. Dornbass.

Commissioner Shepherd asked if the city owned the property on the one- acre option.

City Manager Stewart noted that it was.

**MOTION**

Commissioner Fagg moved to authorize the Mayor to enter into a real estate purchase agreement with Omega Coating and Lee and Michele A. Steinhauer, and a sale contract with Drisco, L.L.C.

Commissioner Shepherd seconded the motion.

Motion carried 5 – 0.

**109-111 SOUTH MAIN CONDEMNATION**  
**Ordinance No. S-1177**

Mayor Phillips stated that in February of 1003, a fire gutted the properties known as 109-111 South Main. It was the findings of a three-person panel that it is not economically feasible to restore this property, therefore the City has initiated the process of condemnation.

City Manager Stan Stewart stated that after the fire there was a lengthy conversation as to whether they would rebuild or not. He stated that there was an ordinance in place that provides for insurance proceeds to be escrowed to the city until the property is cleaned up. He stated that the city is planning on utilizing those funds to clean up the site. If the amount exceeds the escrow amount, the difference would be accessed against the property and collected as part of the tax burden of the property.

Commissioner Shepherd asked if everyone had been notified.

City Attorney Mike Coash stated that they did not do the publication notice as required for the reason that the landowner, Mr. Bishop had said he was not going to do anything. His attorney was offered by mail the opportunity to attend the meeting tonight and make known to the City Commission that he did want to clean up the property, but they did not choose to make an appearance.

Mayor Phillips declared the public hearing to be open.

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Burt Long, 402 S. Atchinson Road stated his concerns with the ordeal over the delay of the clean up of 109-111 South Main

City Manager Stan Stewart told Mr. Long that he was correct that this could have been done quicker if the city would not have had a sincere desire to try to get a building put back in the location instead of having an empty hole in the downtown area. The governing body supported us in that and we thought for the longest time that we had a decent opportunity to do that in the contract we had with Mr. Bishop.

He then asked if the delay had been equally shared between the city and Mr. Bishop and if that was the case, then he was satisfied

Bill Rebstock, Fulmer's Studio, 113 S. Main stated that he was one of the neighbors to the property. He said he was glad to see that the city is about to get the property cleaned up. He also passed out a copy of a letter from the state fire marshal stating that they were not called to investigate this fire.

Carolyn Marcum, Marcum Photography, 107 S. Main. Stated that she spoke with someone at the State Fire Marshal's office that said that they had no involvement in the investigation of the fire. She said that means our fire department investigated the fire – a fire that the city had an interest in the properties at the time of the investigation. She stated there had been too long of a delay to get things cleaned up and it caused problems for the adjoining properties.

City Attorney Mike Coash stated that the delay on the fire investigation had nothing to do with what was being decided tonight. If the city is liable to property owners for any delay and potential damage to the properties, then that's something that has to be worked out at a later date.

Mrs. Marcum stated further problems and frustrations on her property and the handling of the situation.

Mayor Phillips stated that they regret the lengthy time this has taken. We recognize that when you lose something that important it is a very serious loss. We recognize that there are other issues going on that we need to discuss with you at a later date.

Mayor Phillip asked Ricke Whiteside who investigated the fire?

Ricke Whiteside stated that Captain Urton and Joe Haag from the City Fire Department investigated. They did not call on the State Fire Marshall because the staff was there early enough to determine the origin of the fire. A private insurance investigator also investigated the fire. He understood that they came to the same conclusion.

Commissioner Fagg said that the city's name should have been insurance proceeds.

Interim City Clerk Shaunna Johnson stated that the insurance company was unaware of the city's interest in the property prior to the check being issued to Mr. Bishop.

Mayor Phillip stated that the Public Hearing was closed.

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**MOTION**

Commissioner Shepherd moved that Ordinance No. S-1177, an ordinance finding that a brick structure located at El Dorado, Kansas Dorado, Original Town Subdivision, Block 2, Lot 3, also knows as 109-111 South Main, El Dorado, Kansas, is considered unsafe or dangerous and directing the structure to be removed within ten days and the premises made safe and secure.

Commissioner Clark seconded the motion.

Motion carried 5-0.

**ROLL CALL**

Position No. 1	Commissioner Oral Taylor	yes
Position No. 2	Commissioner Linda Clark	yes
Position No. 3	0Commissioner Brian D. Shepherd	yes
Position No. 4	Commissioner Michael A. Fagg	yes
	Mayor Connie Phillips	yes

**109-111 SOUTH MAIN – REMOVAL OF STRUCTURES**

Mayor Phillips stated that the property was damaged due to fire. The principal owner has failed to clean up the two properties. Therefore, the City of El Dorado, Kansas Dorado received bids for the removal of the two structures, 109 and 111 South Main. The bids were from Earth Works for \$26, 450 and Savage Construction for \$25,795.93.

Commissioner Fagg asked if the company was bonded and if they are bonded up to the amount we are doing. He asked if they have more coverage than the amount they are doing?

Loren Wranosky stated that the company was more than covered to do this project.

Mayor Phillips spread the bids for the record.

**MOTION**

Commissioner Taylor moved that the bid in the amount of \$25,795.93 from Savage Construction for the removal of the two properties located at 109-111 South Main.

Commissioner Fagg seconded the motion.

Motion carried 5-0.

**CITIZEN OF THE MONTH UPDATE**

City Manager Stan Stewart said that the purpose of this item being on the agenda is to create awareness and interest to generate nominations.

**CITY MANAGER’S REPORT**

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Mayor Philips 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 October 29<sup>th</sup> at 3:30 p.m. He also noted that since the last City Commission Meeting that he had had an opportunity to meet with other cities and see what kind of issues they are dealing with. He found that the City of El Dorado was doing quite well and that he came out with some good ideas.

Mr. Stewart noted that Stephanie Darwin won the State Tennis Championship and would be recognized at a later date.

He also noted that Prosperity Summit from the Governor's Office had lots of regional efforts and that several people from El Dorado participated.

Mr. Stewart also stated that the South Central Kansas Work Plan is going to be delegated to the REAP Organization. They will be the lead group.

Mr. Stewart mentioned how much they appreciate the city employees. He noted that the city was doing some in-service training on *Customer Service Training*.

It was made mention that there would be an Employee Breakfast Friday morning from 6:30-8:30 a.m. It is combined with the county.

Commissioner Clark talked about doing a Town Hall Meeting and said she thought it would be good. She said that she thought one of the topics that would be good to talk about the "importance of water".

**ADJOURNMENT**

Mayor Phillips adjourned the meeting at 8:45 p.m.

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Interim City Clerk Shaunna Johnson

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Mayor Connie Phillips