

EL DORADO CITY COMMISSION MEETING

October 20, 2008

The El Dorado City Commission met in regular session on October 20, 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
Cheryl Philippi	Professional Engineering Consultants	
Norm Wilks	USD 490	El Dorado, Kansas
Jennifer & Jacob Meyer	2012 Chelsea Dr.	El Dorado, Kansas
Mike McGuire	502 S. Denver	El Dorado, Kansas
Ann Meyer	520 S. Denver	El Dorado, Kansas
Linda Baines	253 Post Rd.	El Dorado, Kansas
Debby & Jimmy Hatfield	3205 W. Towanda	El Dorado, Kansas
Pat Thompson	3615 W. Towanda	El Dorado, Kansas
Bob & Evelyn Saferite	3215 W Towanda	El Dorado, Kansas
Breanna Wicker	2433 W. Central, Suite D	El Dorado, Kansas
Gary Boardman	3355 W. Towanda	El Dorado, Kansas
Sue Erikson	3435 W. Towanda	El Dorado, Kansas
Connie & Cliff Rogers	3425 W. Towanda	El Dorado, Kansas
Michele Tucker	3345 W. Towanda	El Dorado, Kansas
Elizabeth Ankrom	501 S. Summit	El Dorado, Kansas
Alex Pennington	2320 Gentry	El Dorado, Kansas
Kenneth Blake	3525 W. Towanda	El Dorado, Kansas
Kimberly Blake	3625 W. Towanda	El Dorado, Kansas
Dana McCoy	2180 SW 60 th St.	El Dorado, Kansas
Don Engels	7109 SW 30 th St.	El Dorado, Kansas
Derrick Kuhl	13530 W. 116 th Terr.	Olathe, Kansas
Donald Adlesperger	1285 S. Topeka	El Dorado, Kansas
Sheila & Darrel Shipman	3235 W. Towanda	El Dorado, Kansas
Bruce Harris	4843 SW Country Lane	El Dorado, Kansas
Karis & Darren Schwindt	3515 W. Towanda	El Dorado, Kansas
Jean Plummer	323 ½ N. Main	El Dorado, Kansas

CALL TO ORDER

Mayor Tom McKibban called the October 20, 2008, City Commission meeting to order.

INVOCATION

The Reverend Mike McGuire, First United Methodist 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 Baines, 253 Post Road, updated the Commission on Holiday Visions, and welcomed everyone to attend the parade and lighting ceremony on December 5, 2008. She also mentioned that El Dorado Main Street is hosting the Kansas Main Street conference this week.

PROCLAMATIONS

Mayor Tom McKibban read a proclamation to proclaim the month of November as National Hospice Month.

PUBLIC COMMENTS

Mayor Tom McKibban opened the floor for public comments.

Jean Plummer, 323 ½ North Main, thanked the City for their efforts in the Walnut River Festival as well as Brad Meyer and his family.

CONSENT AGENDA

- a. Approval of the October 6, 2008, City Commission minutes.
- b. Approval of the October 15, 2008, Special City Commission minutes.
- c. Authorizing the City Manager to resolve Neighborhood Revitalization Program disputes.
- d. Appointing Steve Fellers to the Tree Board.

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

Commissioner David Chapin seconded the motion.

Motion carried 5-0.

SPECIAL USE PERMIT TO ALLOW AN EDUCATIONAL SERVICE ON PROPERTY LOCATED AT 125 AND 127 E. 6TH STREET. THE PROPERTY IS ZONED C-1 GENERAL BUSINESS DISTRICT. (CASE NO. 08-012-SUP)

Matt Rehder stated that the applicant, USD 490, is requesting a Special Use Permit to allow a charter school at 125 and 127 E. 6th Street. The property is zoned C-1 General Business District.

At the September 25, 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 an educational service by a vote of 6 to 1 with 1 abstention.

Staff did request, which the Planning Commission approved, three conditions of approval. First, the school district must meet the parking regulations as they are written while not interfering with the available parking of the neighboring suites. Second, parking regulations, as they are written, must be adhered to if the school increases the number of classrooms or staff. Third, the school district must not oppose the petition of any restaurant within a two-hundred foot radius of the site that wishes to sell or dispense at retail any cereal malt beverage. The school district did not oppose any of the conditions.

ORDINANCE NO. G-1042

Commissioner Steve Pershall 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 an Educational Service on property located at 125 and 127 E. 6th Street be accepted with conditions and that Ordinance No. G-1042, be approved.

Commissioner Steve Reynolds 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

COLLEGE ACRES ANNEXATION

Mayor Tom McKibban stated that on Augusta 11, 2008, the Butler County Commission passed a resolution requesting the City of El Dorado to annex and connect the City’s sewer system to the College Acres area. At several previous City Commission meetings, annexation was considered and it has been determined necessary for this area to be connected to the City’s sewer system. The City of El Dorado established tonight’s public hearing to further the process of annexation per K.S.A. 12-520(a)(1)-(6).

PUBLIC HEARING

Mayor Tom McKibban opened the public hearing for comments.

Pat Thompson, 3615 West Towanda, requested a summary of the annexation history.

City Manager Herb Llewellyn gave a brief overview of the State mandates and annexation process.

Pat Thompson, 3615 West Towanda, inquired if the property owners would be responsible for the cost of installing the sewer lines.

City Manager Llewellyn explained that the cost would be borne on the property owner. Discussion ensued.

Kimberly Blake, 3625 West Towanda, stated her concerns regarding the proposed annexation. Ms. Blake does not feel that all of the College Acres options were offered. She also had concerns with the agreement the residents have with the rural water district.

Kenneth Blake, 3525 West Towanda, stated his concerns regarding a letter he received indicating that the residents were responsible for resolving the issues with the rural water district contract. Mr. Blake requested that the Commission consider the Planning Commission’s recommendation.

Darrin Schwindt, 3515 West Towanda, proposed the City consider offering sanitary sewer without annexation. Mr. Schwindt stated that he did not agree with the need to annex if additional expenses would be placed upon city residents.

Sue Erikson, 3435 West Towanda, stated that she would consider paying a higher rate for sewer service as long as the City did not annex College Acres.

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Jim Hatfield, 3205 West Towanda, inquired on how annexation would affect his property taxes.

City Manager Llewellyn stated that the County regulates property taxes, not the City.

Cliff Rogers, 3425 West Towanda, stated that he did not understand the need for annexation until future development.

Discussion ensued amongst the Commissioners and each agreed that there is no fair and amicable way around this situation. The Commissioners respect the feelings of the College Acres residents but also need to follow the City policies that are in place.

ORDINANCE NO. G-1043

Commissioner Linda Clark moved that Ordinance No. G-1043, an ordinance annexing land known as the College Acres addition to the City of El Dorado, Kansas, by K.S.A. 12-520, 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

PROJECT NO. 316-SANITARY SEWER-COLLEGE ACRES ADDITION

Assistant City Engineer Scott Rickard stated that the residents of the College Acres addition are required by KDHE to tie into the City of El Dorado sanitary sewer system. By adopting this resolution it will set a public hearing for the Commission to consider initiating a sewer project.

RESOLUTION NO. 2615

Commissioner Steve Pershall moved that Resolution No. 2615, a resolution calling and providing for the giving of notice of a public hearing on November 3rd, 2008, for the advisability of the making of a certain internal improvement in the City of El Dorado, Kansas, under the provisions of K.S.A. 12-6a01 *et seq.*, as amended and supplemented; and providing for the giving of notice of said hearing (sanitary sewer improvements/College Acres Addition project no. 316).

Commissioner David Chapin seconded the motion.

Motion carried 5-0.

SPECIAL USE PERMIT TO ALLOW A DAY CARE CENTER ON PROPERTY LOCATED AT 819 N. ATCHISON. THE PROPERTY IS ZONED R-1 RESIDENTIAL-LOW DENSITY DISTRICT. (CASE NO. 08-009-SUP)

Assistant to the City Manager Matt Rehder stated that the applicant, Christa Brazill, is requesting a Special Use Permit to allow a Day Care Center at 819 N Atchison. The property is zoned R-1, Residential-Low Density District.

At the September 25, 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 8 to 0.

ORDINANCE NO. G-1044

Commissioner Steve Reynolds moved that the recommendation of the Planning Commission to approve Case No. 08-009-SUP requesting a Special Use Permit to allow the establishment of a Day Care Center on property located at 819 N Atchison be accepted and that Ordinance No. G-1044, be approved.

Commissioner Linda Clark 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

COMPREHENSIVE PLAN UPDATE

Assistant to the City Manager Matt Rehder stated that two years ago, the City Commission authorized and funded updating the City’s Comprehensive Plan. Late last year, Staff requested proposals from planners to assist Staff on this project; PEC was selected. Representatives from across the community have begun meeting.

Assistant to the City Manager Rehder gave an overview of the Comprehensive Plan and announced that the next meeting is on November 7, 2008, at 2:00 p.m. at City Hall. Assistant to the City Manager Rehder also encouraged everyone to take the survey that is on the City’s website.

KANSAS PUBLIC WATER SUPPLY LOAN FUND

Cheryl Philippi, PEC representative, stated that the City has made a preliminary application to KDHE for a loan, the proceeds of which will be used by the City to finance certain modifications and improvements, including a booster pump station and a 12-inch pipeline serving areas in the northwest portion of the community, to the City’s water supply and distribution system.

City Manager Herb Llewellyn explained that this is part of the process to increase water pressure on the west side of town. The construction is proposed to begin next spring.

PUBLIC HEARING

Mayor Tom McKibban opened the public hearing for the required fifteen minutes for comments.

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

RESOLUTION NO. 2616

Commissioner Steve Pershall moved that Resolution No. 2616, a resolution authorizing the completion of an application to the Kansas Department of Health and Environment regarding a loan from the Kansas Public Water Supply Loan Fund, be approved.

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

AIRPORT BUSINESS PLAN

Mayor Tom McKibban stated that the City Commission discussed this item at the October 15, 2008, Special City Commission meeting, and requested this item be continued at this meeting.

City Manager Herb Llewellyn clarified the recent newspaper article regarding David Wiebe. He reiterated that David Wiebe did a wonderful job at the airport and recently accepted a great job opportunity.

Commissioner David Chapin stated his appreciation of Mr. Wiebe's tenure at the airport.

AIRPORT BUSINESS PLAN

Commissioner David Chapin moved to adopt the Airport Business Plan for the City of El Dorado and to execute the plan.

Commissioner Steve Pershall seconded the motion.

Motion carried 5-0.

IDENTITY THEFT PREVENTION PROGRAM

City Clerk Kendra Porter stated that a recent amendment to the Fair and Accurate Credit Transactions Act of 2003 requires cities that provide utilities to adopt a policy by November 1, 2008, that actively looks for evidence of identity theft in the opening and maintenance of utility accounts.

Commissioner Linda Clark moved to adopt the City of El Dorado Identity Theft Prevention Program which is designed to detect, prevent, and mitigate identity theft in the opening and maintenance of utility accounts.

Commissioner Steve Reynolds seconded the motion.

Motion carried 5-0.

WATER RATE AMENDMENT DISCUSSION

City Manager Herb Llewellyn stated that the water rate structure currently has three tiers of water rates. Staff would like to discuss amending the structure. Staff would like the City Commission to consider reducing the number of tiers to two.

City Manager Llewellyn proposed to work towards a fat rate structure. The first step would be to eliminate the most expensive tier on our current rate structure. This would create approximately \$67,000 decrease in revenue to the City.

The Commission requested that City Manager Llewellyn gather additional information regarding changing the rate structure.

PROJECT 243A-SANITARY SEWER EXTENTION 10TH AVE

Assistant City Engineer Scott Rickard stated that the bids were received for the sewer project and the bid was below the Engineer’s Estimate. This project is the first of the CDBG Citywide sewer improvements.

Assistant City Engineer Scott Rickard spread the bids for the record.

Engineer’s Estimate-	\$ 41,988.50
Ewertz Excavation-	\$ 31,330.50
Nowak Construction-	\$ 71,783.95
Alan’s Excavating-	\$ 87,217.50
Mies Construction-	\$138,080.00

Commissioner Linda Clark inquired on the wide spread of the bids.

Assistant City Engineer Rickard stated that this was not an attractive project; therefore, the contractors bid accordingly. Ewartz Construction has completed several local projects.

AWARDING THE CONTRACT

Commissioner Steve Pershall moved that as Ewartz Construction has submitted the lowest and best bid for project #243A, the City Manager be directed to award the contract to said contractor providing that the company furnish the proper bonds.

Commissioner David Chapin seconded the motion.

Motion carried 5-0.

FRANCHISE FEE AGREEMENTS-NAVIGATOR TELECOMMUNICATIONS LLC & DPI TELECONNECT, LLC

City Manager Herb Llewellyn stated that this item was discussed at the October 6, 2008, City Commission meeting. The Commission requested this item be amended from a per line charge to a percentage.

ORDINANCE NO. G-1045

Commissioner David Chapin moved that Ordinance No.G-1045, a contract franchise ordinance granted to dPi Teleconnect, LLC, a telecommunications local exchange service provider providing local exchange service within the City of El Dorado, Kansas, be approved.

Commissioner Steve Pershall 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

ORDINANCE NO. G-1046

Commissioner Steve Reynolds moved that Ordinance No, G-1046, a contract franchise ordinance granted to Navigator Telecommunications, LLC, a telecommunications local exchange service provider providing local exchange service within the City of El Dorado, Kansas, be approved.

Commissioner Linda Clark 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

NEW BUSINESS – DISCUSSION ITEMS

Mayor Tom McKibban opened the floor for Commissioners’ comments.

Commissioner Steve Reynolds stated that he continues to work on the Commission salary survey and will report on it soon.

Commissioner Reynolds also complimented Brad Meyer on his roundtable discussion at the League of Kansas Municipalities workshop.

Commissioner Linda Clark inquired on hiring an employee to attend the compost site.

Assistant Public Works Director Brad Meyer stated that staff continually monitors the site; however, illegal dumping is still a problem.

City Manager Herb Llewellyn stated that Staff is considering locking the gate at dark.

Commissioner Steve Pershall inquired on the road markings on north Haverhill.

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Assistant Public Works Director Meyer stated that his department would look into improving the markings.

Assistant City Engineer Scott Rickard stated that the City would contact Westar regarding installing a street light at the bend in the road on north Haverhill.

Mayor Tom McKibban thanked Brad Meyer for the work at the skate park.

Mayor McKibban also stated his concerns regarding underage drinking.

City Manager Llewellyn will direct Staff to address this concern.

Mayor McKibban clarified his anticipated move to his property north of El Dorado.

Commissioner Steve Reynolds asked on the status of the Ninth Street bridge.

Assistant City Engineer Rickard stated that he anticipated it would be open tomorrow afternoon.

Mayor Tom McKibban closed the Commissioners' comments.

CITY MANAGER'S REPORT

Assistant City Engineer Scott Rickard updated the Commission on various projects.

Assistant Public Works Director Brad Meyer updated the Commission on his insight from his League of Kansas Municipalities roundtable discussions.

Assistant Public Works Director Meyer stated that the Code Enforcement Officer is enforcing political sign regulations.

City Manager Herb Llewellyn encouraged the Commissioners to attend REAP meetings.

City Manager Llewellyn informed the Commission of the regional suppers on November 5, 2008.

EXECUTIVE SESSION

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

Commissioner David Chapin 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 10:40 pm.

Commissioner Steve Reynolds seconded the motion.

Motion carried 5-0.

Mayor Tom McKibban reconvened the meeting at 10:50 pm.

ADJOURNMENT

Commissioner Steve Reynolds moved to adjourn the meeting at 10:51 pm.

Commissioner Steve Pershall seconded the motion.

Motion carried 5-0.

City Clerk Kendra Porter

Mayor Tom McKibban