

**EL DORADO CITY COMMISSION MEETING****November 1, 2004**

The El Dorado City Commission met in regular session on November 1, 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 Manager Gus Collins, City Attorney Mike Coash, and City Clerk/Finance Director Dee Anne Grunder.

**VISITORS**

Mike Glendening	801 Cave Springs	El Dorado, Kansas
William Kline	1322 Douglas Rd.	El Dorado, Kansas
James Cook	719 Fredrick Dr.	El Dorado, Kansas
James R. Hall	821 W. Olive	El Dorado, Kansas
Melody Wilson	821 W. Olive	El Dorado, Kansas
Shelley McFadden	513 Ohio	El Dorado, Kansas
Jerry & Cynthia Gruver	1215 S. High	El Dorado, Kansas
George Austin	1007 Douglas Rd.	El Dorado, Kansas
Lois & Kenny Fowler	335 N. Arthur	El Dorado, Kansas
Gary L. Andrews	1745 Ryan Ct.	El Dorado, Kansas
Carl Andrews	1730 Cottonwood Dr.	El Dorado, Kansas
Lue Asmussen	1015 Douglas Rd.	El Dorado, Kansas
Marsha Mawhirter	1010 Douglas Rd.	El Dorado, Kansas
Barry Shropshire	1002 Douglas Rd.	El Dorado, Kansas
Jim Hatfield	1034 Douglas Rd.	El Dorado, Kansas
Deena Baker	2842 W. 4 <sup>th</sup>	El Dorado, Kansas
Lonnie & LaDonna Snook	8719 Brentmoor	Wichita, Kansas
Dorothy Willhite	150 Eunice, Apt. 7	El Dorado, Kansas
Glenda Fisher	1121 Douglas Rd.	El Dorado, Kansas
Eugene Herrmann	405 School Rd.	El Dorado, Kansas
Leon Ehrlich	1330 Douglas Rd.	El Dorado, Kansas
John Alfaro	1241 Douglas Rd.	El Dorado, Kansas
Kevin L. Griggs	1218 Conner	El Dorado, Kansas
Monta & Emma Kay Finey	1263 Douglas Rd.	El Dorado, Kansas
Ruth C. Strumfa	1319 Douglas Rd.	El Dorado, Kansas
Ernest & Frances Stephens	1258 Finney	El Dorado, Kansas
John & Holly Moore	1225 Douglas Rd.	El Dorado, Kansas
Jerry Blount	131 Hillside	El Dorado, Kansas
Gary L. Ball	817 W. 4 <sup>th</sup> Ave.	El Dorado, Kansas
Bill Jones	401 S. Denver	El Dorado, Kansas
Linda Stewart	1218 Douglas Rd.	El Dorado, Kansas
William & Karen Anderson	420 School Rd.	El Dorado, Kansas
Richard Horsch	1137 Douglas Rd.	El Dorado, Kansas
David Yearout	1710 Post Ct.	El Dorado, Kansas
John & Renee Scanlon	1331 Joyce	El Dorado, Kansas
Richard Edds	1815 Quail Run	El Dorado, Kansas
Jason Yager	1313 Douglas	El Dorado, Kansas
Jim Hughes	1733 Candice	El Dorado, Kansas
Pete Knoop	906 S. High	El Dorado, Kansas
Linda Swan	1403 Park Ave.	El Dorado, Kansas
Lionel Tipton	1845 Terrace	El Dorado, Kansas
Chevis Rebstock	2322 Hazlett	El Dorado, Kansas
Ed Gard	2325 Wedgewood	El Dorado, Kansas
Tom Murry	1650 Jason Dr.	El Dorado, Kansas
Rick Freeman	1124 S. Douglas Rd.	El Dorado, Kansas
Stan Seymour	827 N. Washington	El Dorado, Kansas

**CALL TO ORDER**

Mayor Connie Phillips called the November 1, 2004, meeting to order.

**INVOCATION**

The Reverend Stan Seymour opened the meeting with prayer.

**PLEDGE OF ALLEGIANCE**

Ms. Jeanne Evans' Third Grade Class from Lincoln Elementary led the Pledge of Allegiance.

**PERSONAL APPEARANCE**

Tom Murry, 1650 Jason Drive, presented a KMU dividend check from Employers Mutual Insurance in the amount of \$10,513.75.

**CONSENT AGENDA**

- a) Approval of the October 18, 2004, City Commission minutes.
- b) Approval of the October 25, 2004, Work Session minutes.
- c) Approval of Appropriation Ordinance No. 10-04 in the amount of \$6,708,517.05.
- d) Approval of the Engineer's Second Pay Estimate dated October 22, 2004, on Project No. 224-Resurface Gordy (Central to 3<sup>rd</sup>), First and Second (Gordy to Vine and Main to Vine) to the contractor, Kansas Paving, in the amount of \$18,490.39.
- e) Approval of the Engineer's First Pay Estimate dated October 22, 2004, on Project No. 205-KLINK Resurfacing-Central (Griffith to Bridge) to the contractor, Kansas Paving, in the amount of \$36,469.44.
- f) Approval of the Engineer's First Pay Estimate dated October 22, 2004, on Project No. 223-Haverhill Road Resurface (Towanda to Central) to the contractor, Kansas Paving, in the amount of \$27,408.03.
- g) Approval of the Engineer's First & Final Pay Estimate dated October 20, 2004, on Project No. 247-Griler Sewer Phase I to the contractor, Nowak Construction, in the amount of \$136,532.50.
- h) Approval of the Engineer's First & Final Pay Estimate dated October 22, 2004, on Project No. 257-Griler Sewer Phase II to the contractor, Nowak Construction, in the amount of \$19,010.00.
- i) Approval of the Engineer's First Pay Estimate dated October 22, 2004, on Project No. 222-2004 Sales Tax Sidewalks (Jones to Haverhill) to the contractor, Parga Construction, in the amount of \$19,711.53
- j) Approval of the Engineer's First Pay Estimate dated October 8, 2004, on Project No. 233-Residential Sidewalks to the contractor, Parga Construction, in the amount of \$8,121.30.

- k) Approval of the Engineer's Second & Final Pay Estimate dated October 18, 2004, on Project No. 233 – Residential Sidewalks to the contractor, Parga Construction, in the amount of \$1,486.60.

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

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

**YOUTH COMMISSION BYLAWS AMENDMENT**

Mayor Connie Phillips stated that the Youth Commission would like to recommend a change to Article II of their Bylaws regarding membership requirements.

Chevis Rebstock, 2322 Hazlett, Youth Commission Chairman, stated the Youth Commission voted to change their Bylaws. The change would allow El Dorado High School students who live outside the city limits to become members. Chevis stated that El Dorado High School students that live outside the city have applied, but their application could not be considered due to the requirement of students living within the city limits. Chevis asked the City Commission to amend the Bylaws to allow four members that live outside city limits.

Commissioner Shepherd asked if any Circle High students were members.

Chevis stated that there were none at this time.

Commissioner Shepherd stated that he feels they should first choose from students inside the city and then choose from outside sources if there are not enough in-city applicants.

Mayor Phillips questioned if Mr. Rebstock thought two students outside the city would be acceptable rather than the four he is requesting.

Chevis stated that he believed two would be acceptable.

Commissioner Taylor moved to change the membership residency requirements referred to in Section 3, Article II of the Youth Commission Bylaws to read, "Youth Commission members are high school-aged students who attend El Dorado High School or live within the city limits of El Dorado. The number of Youth Commission members who live outside the city limits is limited to two at any one time. The Youth Commission includes at least three students from each grade level (9, 10, 11, 12) with four members appointed at-large."

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

Chevis gave a brief overview of Kids Vote Kansas. The program is designed for students K-12 to be able to go to the polls and vote. It has proven to raise voter turnout rate 3 to 5%.

**SPECIAL USE PERMITS AT 906 – 910 SOUTH HIGH**

David Yearout, Interim Planning/Zoning Director, stated the Planning Commission reviewed a request for a special use permit at 906-910 South High to allow the construction of a 30-foot x 42-foot or 1,260 square foot detached accessory building. The applicant is Peter Knoop. The purpose of the building is to replace the geodesic dome maintenance building that supports the apartments at this location. The Planning commission

recommended the approval of this request. There was no opposition from other property owners.

**RESOLUTION NO. 2471**

Commissioner Fagg moved that the recommendation of the Planning Commission for Case Number SUP-04-005 requesting a Special Use Permit for Pete Knoop to allow a 1,260 square foot detached accessory building to serve as a maintenance building for property at 906-910 South High, be accepted, and that Resolution No. 2471, be approved.

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

**PROJECT NO. 256-PAVING DOUGLAS AVENUE (SUNSET ROAD NORTH TO TOWANDA AVENUE)**

Mayor Phillips stated that one of the City Commission's goals is to have all streets in the City paved to City standards. A policy was adopted in 2002 allowing these procedures with a specific time for arterial and collector streets. Douglas Road, from Sunset to Towanda, is scheduled for 2005.

Commissioner Shepherd abstained, since he has property in this area.

City Manager Gus Collins stated the total cost is approximately \$800,000. The City-at-large will pay 55% or \$441,000. The balance is levied back as a special assessment to the benefit district. The city-at-large will pay the extra width of the 41' street. If the Commission initiates the project, the property owners can stop this project through a petition process.

**PUBLIC HEARING**

Mayor Phillips opened the public hearing.

Lue Asmussen, 1015 Douglas Road, stated she was opposed to paving Douglas Road due to economic reasons. She stated that most of the residents are retirees on fixed income or young families just getting started.

Jim Hughes, 1733 Candice Lane, stated that he is not against paving Douglas Road, but is against the proposed method and doing it just because it is the City's policy. He stated that he feels that widening the street 12 feet on each side is dangerous, because it puts families too close to the street. He feels it would make the property a non-conforming structure and would therefore make it impossible to rebuild. Mr. Hughes expressed concerns about future repairs on the street. He stated that he feels alternatives should have been considered. He feels curb and gutter are not needed on this street. He requested the Commission wait and review the policy.

Commissioner Taylor noted that the setbacks are from the property line so proximity to the street would not keep them from rebuilding.

Emma Kay Finey, 1263 Douglas Road, stated that she is against the project. She stated that they will be charged for a lot behind them that is for gardening. She stated that during construction the only access to the back property is through their yard.

William Kline, 1322 Douglas Road, stated that he is against the project due to financial reasons. He stated that he does not understand why it is considered a collector street and feels that a traffic count should be taken. He feels this will increase the speed of traffic that is already moving too fast.

Glenda Fisher, 1121 Douglas Road, stated that she feels this would increase the value of her property and is in favor of paving and guttering.

William R. Anderson, representing Karen Anderson, part owner of 1359 Douglas Road, questioned if the electric tower or gas lines would be moved.

City Engineer Wagner stated that the electric tower would not be moved. The gas company indicated the gas lines would be relocated at their expense.

Mayor Phillips explained the process for property owners to petition out of the project.

Mr. Anderson stated that Karen Anderson has already paid for City sewer and asked if she would have to pay again.

Jason Yager, 1313 Douglas Road, stated that he is also already on City sewer. He stated he cannot afford this, and therefore is opposed.

Marsha Mawhirter, 1010 Douglas Road, stated that she disagrees that one policy "fits all" and would like an alternative considered. She feels that this project will increase the volume of traffic on the street.

Rick Freeman, 1124 Douglas Road, stated that he has drainage problems. He stated that he is not totally opposed to the project, but would like for other options to be considered.

Kevin Griggs, 1218 Conner, stated that he does not feel this project will increase the property value.

Holly Moore, 1225 Douglas Road, stated that she is not objecting to the project, but feels the cost is too much. She does not oppose improvements, but agrees that other alternatives should be considered.

Lonnie Snook, 936 Douglas Road, questioned what qualifies a street as a collector street.

City Manager Collins stated that collector streets serve traffic desiring to travel between major arterial and local streets and are used mainly for traffic movement within residential, commercial and industrial areas. Collector routes provide the combined services of through traffic service or are developed to discourage any long distance of continuous through traffic. The following criteria are recommended for collector streets:

1. Right-of-way width is 70-80 feet minimum
2. Pavement width is 34-44 feet
3. Moving lanes are 2 (12-foot moving lanes)
4. Parking lanes are 0-2 (10 feet wide)
5. Volume is 1,000-6,000 vehicles per day
6. Driving speed is 20-30 miles per hour

Mr. Snook asked how Douglas Street met the criteria.

City Engineer Dave Wagner stated that it was determined by where the City wanted traffic to flow.

City Manager Collins stated that the benefit district will only pay for a 31-foot wide street. He stated that the additional width will be paid by the city-at-large.

Commissioner Taylor stated that a collector street is a more heavily traveled street of the area.

William Kline stated that he feels if the recommendations for defining collector street are followed, then this street does not qualify.

Richard Horsch, 1137 Douglas Road, questioned how much grant money would be received on this project.

City Manager Collins stated that no grant money will be received.

Mr. Horsch stated that he likes the country feel of the area and would not have bought the property if he had known of these improvements.

Mike Glendening, 801 Cave Springs, asked what it would take for the Commission to not follow policy.

Mayor Phillips stated that property owners could petition out. She stated that she feels the Commission needs to reconsider the width of the street, however, that would not change the cost to the property owner.

Commissioner Taylor stated that when the policy was established it was to improve and provide safe and convenient travel to all residents in all areas of the community. The City needed to have a policy to improve all collector and arterial streets.

Commissioner Clark stated that she understands everyone's feelings, but property owners can petition out.

Commissioner Fagg stated that this has been a tough issue for a long time. He stated that he tries to be open minded to anything and would like to table this until a traffic count could be done. He stated he feels concrete testing should also be done.

Ernest Stephens, 1238 Finney, questioned who would pay for damage to his house if dynamite is used.

Commissioner Taylor stated that there are methods other than dynamite available.

John Alfaro, 1241 Douglas Road, stated that he is against the project at this time due to financial reasons. He stated he would like the improvement sometime in the future.

Mayor Phillips declared the public hearing closed.

City Manager Collins stated that the Commission has been provided with the engineer's estimates of the cost. If the existing base is determined to be sufficient for the entire length of the street, then these estimates could decrease.

City Engineer Wagner stated that the drainage could be an issue with 3-inch asphalt.

Commissioner Fagg asked what the cost would be for the concrete test.

City Engineer Wagner stated it would be approximately \$300 - \$400.

Commissioner Fagg stated that he desires to table the issue and do a traffic count and test.

**RESOLUTION NO. 2472 AND ORDINANCE NO. S-1218**

Commissioner Taylor moved that Resolution No. 2472, a resolution Setting Out Findings and Determinations of the Governing Body, and Ordinance No. S-1218, an ordinance authorizing the construction of paving improvements on Douglas Road from the intersection of Sunset Road north to Towanda Avenue, be adopted.

Commissioner Clark seconded the motion.

**ROLL CALL**

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

**PROJECT NO. 258 – CONSTRUCTION OF PHASE I – SANITARY SEWERS IN THE GREENS AT PRAIRIE TRAILS**

Mayor Phillips stated that the developer has filed a petition to complete additional sanitary sewer work in the Greens Addition. They wish to provide service to Lots 1 through 9, Block A, and Lots 1 through 11, Block B.

**RECEIVING THE PETITION**

City Clerk/Finance Director Dee Anne Grunder reported to the Commission that the petition for the construction projects, signed by owners of 100% of the total number of lots in the improvement district, is sufficient for Project No. 258.

**ACCEPTING THE PETITION AND RESOLUTION OF ADVISABILITY/  
RESOLUTION AUTHORIZING THE IMPROVEMENT COMBINED**

**RESOLUTION NO. 2473 AND ORDINANCE NO. S-1219**

Commissioner Taylor moved that the Report of Sufficiency be accepted for Project No. 258, for Sanitary Sewer District No. 178, and that Resolution No. 2473, a resolution of Finding as to Advisability and Resolution Authorizing Improvement Combined, and that Ordinance No. S-1219, an ordinance authorizing the construction of internal improvements in the Greens at Prairie Trails Addition Phase I, be approved, and that the City Manager be instructed to take bids after plans, specifications and estimate of cost are prepared.

Commissioner Shepherd seconded the motion.

Commissioner Fagg questioned the total cost of the project.

City Engineer Wagner stated the cost will be \$154,923.00.

**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	no
	Mayor Connie Phillips	yes

Commissioner Fagg stated he voted against the project, because he wants to review the resolution before voting.

**PHASE III – BICYCLE/PEDESTRIAN FACILITY APPLICATION**

Mayor Phillips stated that funding from a Federal program is available for transportation enhancement projects in Kansas. The City previously has received funding from this program for the following projects: Phase I and II of the bicycle facilities, depot remodeling, and the streetscape improvements in the downtown area. Program applications are due November 8. City Staff has recommended that an application be submitted to request funding for Phase III of the Bicycle Path.

Mayor Phillips asked if changes could be made to the plans for the bike path once the application is submitted.

City Manager Collins stated that we would have that ability, but the application must be submitted by November 8<sup>th</sup>. The Phase III plan has been reviewed and approved by the Recreation Advisory Board.

Commissioner Clark asked when the City would know if the application had been approved.

City Manager Collins stated that it will be announced Spring 2005, but it will not be funded until fiscal year 2006-2007.

**RESOLUTION NO. 2474**

Commissioner Shepherd moved that Resolution No. 2474, a resolution declaring the eligibility of the City to submit an application for the Pedestrian/Bicycle Path Phase III, be approved, and authorize the City Manager to sign the application.

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

**BANK BIDS**

Mayor Phillips stated that City Staff has solicited proposals from local financial institutions to provide banking services for the City. Two proposals were received for consideration – from Commerce Bank and Intrust Bank. The banking services will be for a three-year period beginning December 1, 2004. The Staff has completed an extensive review of the proposals.

City Clerk/Finance Director Dee Anne Grunder stated requests for proposals were mailed to the local financial institutions and bids were received from two institutions. Both banks are able to handle the services we need. Based on the major criteria in the proposals, Intrust Bank is recommended.

Commissioner Clark moved that inasmuch as Intrust Bank has submitted the best bid, that the bid be accepted and that Intrust Bank be the City's depository for the three-year period beginning December 1, 2004.

Commissioner Taylor seconded the motion.

Commissioner Fagg stated that he would like to develop a new Fiscal Management Policy. He stated that he would have liked to have had it discussed at work session.

City Manager Collins thanked Commerce Bank for their service.

Motion carried 5-0.

**CITY COMMISSION DISCUSSION**

Mayor Phillips indicated that this item would be withdrawn from the agenda at this time.

**EXECUTIVE SESSION**

Commissioner Shepherd moved to recess into an Executive Session for the purpose of discussing legal matters and to reconvene the regularly scheduled meeting at 9:50 p.m.

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

**RECONVENE**

Mayor Phillips reconvened at 9:53 p.m.

Commissioner Clark moved to drop the appeal on the Blount property on West Central.

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

**CITY MANAGER'S REPORT**

City Manager Gus Collins noted the following:

1. The pedestrian flashing signal is to be installed at First and Main Tuesday, November 2<sup>nd</sup>.
2. Work session on Monday, November 8<sup>th</sup> at 7:00 p.m.
3. Election Day, Tuesday, November 2, 2004.

Commissioner Taylor stated that he would like to consider changing the signal at Denver and Central to pedestrian only.

Commissioner Fagg stated that he would like cameras installed on the signal at 6<sup>th</sup> and Main Street and asked what the cost would be.

City Engineer Wagner stated it would be approximately \$14 - \$20 thousand.

**ADJOURNMENT**

Mayor Phillips adjourned the meeting at 10:05 p.m.

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City Clerk Dee Anne Grunder

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Mayor Connie Phillips