

EL DORADO CITY COMMISSION MEETING

November 3, 2008

The El Dorado City Commission met in regular session on November 3, 2008, at 7:00 pm. 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, Finance Director Dee Anne Grunder and City Attorney Jim Murfin. Absent: City Clerk Kendra Porter (after service awards).

VISITORS

Brad Meyer	220 E. First	El Dorado, Kansas
Tom Boren	220 E. First	El Dorado, Kansas
Kurt Bookout	220 E. First	El Dorado, Kansas
Matt Rehder	220 E. First	El Dorado, Kansas
Tom Kaleko	9229 Ward Pkwy	Kansas City, MO
Gary & Robin Taylor	720 Oak	El Dorado, Kansas
Gary Boardman	3355 W. Towanda Ave.	El Dorado, Kansas
Kyle McLaren	3096 NE Parrallel	El Dorado, Kansas
Jason Hughey	511 Hunton Rd.	El Dorado, Kansas
Robert Simmons	518 Houser Dr.	El Dorado, Kansas
Randy & Judy Mc Intosh	1227 Towanda	El Dorado, Kansas
Jamie Downs	206 N. Griffith	El Dorado, Kansas
Teri Jimenez	622 Park	El Dorado, Kansas
David & Charlotte Sammons	504 N. Star	El Dorado, Kansas
Ralph & Susan Ballinger	115 N. Alleghany	El Dorado, Kansas
Sherry Scheuber	415 Oil Hill Rd.	El Dorado, Kansas
Brady & Krista Gragg		Wichita, Kansas
Rachael & Calvin Gragg		Wichita, Kansas
James Cook	719 Fredrick Dr.	El Dorado, Kansas
Ryan & Kerri Smith	1203 W. Olive	El Dorado, Kansas
Colton & Bailey Smith	1203 W. Olive	El Dorado, Kansas
Johnie & Donna Gragg	640 N. High	El Dorado, Kansas
Betty Sullivan	935 S. Summit	El Dorado, Kansas
Charles & Cathy Stevens	803 Charron Dr.	El Dorado, Kansas
Tim Baker	1404 W. Carr	El Dorado, Kansas
Taylor Briscoe	1030 W. 3 rd St.	El Dorado, Kansas
Kylan Riddle	363 SW Midian Rd.	El Dorado, Kansas
Garrett Brewster	363 SW Midian Rd.	El Dorado, Kansas
Ralph & Tracy Ehrlich	363 SW Midian Rd.	El Dorado, Kansas
Tammy Brown	1120 W. 5 th St.	El Dorado, Kansas

CALL TO ORDER

Mayor Tom McKibban called the November 3, 2008, City Commission meeting to order.

INVOCATION

Police Chief Tom Boren opened the meeting with prayer.

PLEDGE OF ALLEGIANCE

Ms. Connie Worley’s Third grade students from Lincoln Elementary School led the Pledge of Allegiance.

EMPLOYEE SERVICE AWARDS

City Manager Herb Llewellyn stated that the City recognizes quality City employees deserving recognition for their years of service.

The following were recognized and presented with service awards:

Ten-Year Service Awards

Donna Gragg, Administration
Jason Hughey, Public Works
Sonya Nixon, Police
Eddie Terrones, Public Works
Anthony Yaghjian, Fire

Fifteen -Year Service Awards

Timothy Baker, Police
Ralph Ehrlich, Public Works
Ron McClure, Public Utilities

Twenty-Year Service Award

Judy McIntosh, Public Utilities
David Sammons, Public Works
Gary Taylor, Public Utilities

Thirty-Year Service Award

Charles Stevens, Public Utilities

Thirty-Five-Year Service Award

Robert Simmons, Public Utilities

Forty-Year Service Award

Ralph Ballinger, Public Utilities

PUBLIC COMMENTS

Mayor Tom McKibban opened the floor for public comments.

With no one appearing, Mayor McKibban, closed the public comment session.

CONSENT AGENDA

- a. Approval of the October 20, 2008, City Commission minutes.
- b. Approval of Appropriation Ordinance No. 11-08 in the amount of \$1,099,028.26.
- c. Approval of the Engineer's Second Pay Estimate dated October 28, 2008 on Project No. 307, Paving Prairie Land Estates 2nd Addition to the Contractor, Cornejo & Sons, in the amount of \$82,600.22.

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

Commissioner Steve Pershall seconded the motion.

Motion carried 5-0.

DEBT MANAGEMENT POLICY

City Manager Herb Llewellyn stated that Staff is submitting a debt management policy for the Commission's approval to address the City's debt procedures. This will set the practices in writing, and will increase the possibility of receiving a better bond rating on general obligation bonds when they are sold.

Commissioner Steve Pershall moved to approve the Debt Management Policy.

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

GENERAL OBLIGATION BONDS-SETTING THE SALE DATE

Finance Director Dee Anne Grunder stated that Staff is prepared for the sale of General Obligation Bonds in the amount not to exceed \$3,310,000. This provides long-term funding for ten capital improvement projects in the City. The following resolution sets the sale date as Monday, November 17, 2008.

Tom Kaleco, Springsted Client Representative, gave a brief overview of selling and purchasing General Obligation Bonds.

Commissioner Steve Pershall inquired if the recent changes in the market will affect the sale.

Tom Kaleco, Springsted Client Representative, stated that the changes have made an effect on the sale, but the City will have an opportunity to refinance in eight to nine years.

Commissioner Steve Reynolds inquired on the City's current bond rating.

Tom Kaleco, Springsted Client Representative, explained that the City is currently not rated; however, the City no longer has the option to purchase bond insurance and must get rated.

RESOLUTION NO. 2617

Commissioner Linda Clark moved to approve Resolution No. 2617, a resolution of the City of El Dorado, Kansas, authorizing and providing for the public sale of the City's General Obligation Bonds, Series 2008, in an amount not to exceed \$3,310,000; setting forth the details of said public sale; and proving for the giving of notice thereof.

Commissioner Steve Reynolds seconded the motion.

Motion carried 5-0.

RESIDENTIAL STRUCTURES USED EXCLUSIVELY AS CHILD CARE CENTERS

Assistant to the City Manager Matt Rehder provided an overview of the current zoning regulations for daycares as well as a timeline regarding the child care center at 311 S. Orchard. On September 25, 2008, the Planning Commission, by a vote of 8 to 0, submitted that no amendments to the regulations be made. The consensus of the Planning Commission was for the City Commission to discuss the twenty-five percent floor area requirement. On November 18, 2008, the 120-day application will be deemed denied.

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Commissioner Linda Clark clarified her understanding regarding daycare provider Tammy Brown and feels that the City should continue to allow her to operate.

Commissioner Steve Reynolds stated that his granddaughter is currently in a day care center, but that does not reflect his comments.

Commissioner Steve Reynolds stated his concerns and asked to discuss further at a Work Session.

Commissioner Linda Clark inquired about the 120-day window.

Assistant to the City Manager Matt Rehder stated a Work Session would have to be held prior to the expiration of 120 days or request would be deemed denied.

Commissioner David Chapin requested clarification regarding the twenty-five percent regulation.

Assistant to the City Manager Matt Rehder stated that only twenty-five percent of the home should be designated for daycare use.

Mayor Tom McKibban stated that the daycare center at 311 S. Orchard should be allowed.

Tammy Brown, 311 S. Orchard, explained that she applied for the special use permit; however, the City did not advise her that should not operate. Ms. Brown stated that she was aware of four other non-resident daycare centers operating.

ORDINANCE NO.G-1047

Commissioner Linda Clark moved to approve Ordinance No. G-1047, a special use permit to allow a day care center at 311 S. Orchard as a non-conforming use.

Commissioner Steve Reynolds seconded the motion.

ROLL CALL

Position No. 1	Commissioner Steve Reynolds	Yes
Position No. 2	Commissioner Linda Clark	Yes
	Mayor Tom McKibban	Yes
Position No. 3	Commissioner Steve Pershall	No
Position No. 4	Commissioner David Chapin	Yes

City Manager Herb Llewellyn clarified that Ms. Brown can use the property as a day care center as long as she does not discontinue caring for children for a year.

PUBLIC HEARING FOR PROJECT NO. 316 (COLLEGE ACRES SEWER)

Assistant City Engineer Scott Rickard stated that the purpose of this agenda item is to hold a public hearing, and then consider authorizing the improvements. Property owners were notified by mail of this meeting.

PUBLIC HEARING

Mayor Tom McKibban opened the public hearing for comments.

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

RESOLUTION NO. 2618

Commissioner Steve Reynolds moved that Resolution No. 2618, a resolution determining the advisability of the making of certain internal improvements for the City of El Dorado, Kansas; making certain findings with respect thereto; authorizing and providing for the making of the improvements in accordance with such findings, be adopted.

Commissioner Steve Pershall seconded the motion.

Motion carried 5-0.

NEW BUSINESS – DISCUSSION ITEMS

Mayor Tom McKibban opened the floor for Commissioners' comments.

Commissioner Steve Reynolds noted the recent improvements to the bike path and asked on the status of removing the log jam.

City Manager Herb Llewellyn stated the City is still waiting for a response from the County on borrowing their track hoe.

Commissioner Linda Clark thanked all the employees receiving service awards for their dedication.

Commissioner Linda Clark inquired if the City was going to install a no left turn sign on Main Street onto Ninth Street.

Assistant Engineer Scott Rickard stated that the City is monitoring and has not observed any problems.

Commissioner Steve Pershall encouraged citizens to vote in the upcoming election.

Commissioner Steve Pershall also reminded citizens that City Hall will be closed November 11, 2008 in observance of Veteran's Day.

Commissioner David Chapin thanked employees receiving service awards, and introduced Youth Commissioner Taylor Briscoe.

Mayor Tom McKibban thanked all the employees involved with recycling the books at the library.

Mayor Tom McKibban closed the Commissioners' comments.

CITY MANAGER'S REPORT

City Manager Herb Llewellyn stated that there will be a Work Session on November 12, 2008 at 3:30 pm.

City Manager Llewellyn asked the Commission to consider closing on December 26, 2008.

City Manager Llewellyn stated that KDOT has requested that we submit any future projects that should be included in their five-year plan.

Assistant City Engineer Scott Rickard explained that the request needs to be submitted by mid December and might include such projects as extending McCollum.

City Manager Llewellyn suggested projects related to the railroad underpasses.

City Manager Llewellyn clarified that police, fire, and refuse departments will continue to operate on Veteran's Day.

City Manager Llewellyn stated that the City received a letter from the Department of Commerce stating that we can apply for a grant for BG Products' infrastructure.

EXECUTIVE SESSION

Mayor Tom McKibban stated that this item is for the purpose of discussing confidential data relating to the financial affairs or trade secrets of second parties and legal issues.

Commissioner Steve Reynolds moved to recess into an Executive Session for the purpose of discussing confidential data relating to the financial affairs or trade secrets of second parties and legal issues, and to reconvene the regularly scheduled meeting in the City Commission room at 9:00 pm.

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

Mayor Tom McKibban reconvened the meeting at 9:02 pm.

Commissioner Linda Clark moved to return to Executive Session until 9:30 p.m.

Commissioner David Chapin seconded the motion.

Motion carried 4-0. (Commissioner Steve Pershall remained in the conference room)

Mayor Tom McKibban reconvened the meeting at 9:34 pm.

ADJOURNMENT

Commissioner Steve Reynolds moved to adjourn the meeting at 9:34 pm.

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

City Clerk Kendra Porter

Mayor Tom McKibban