

**EL DORADO CITY COMMISSION MEETING**

**November 6, 2006**

The El Dorado City Commission met in regular session on November 6, 2006, at 7:00 p.m. in the Commission Room with the following present: Mayor Brian D. Shepherd, Commissioner Linda Clark, Commissioner Michael A. Fagg, Commissioner Steve Pershall, Commissioner Steve Reynolds, City Manager Herbert E. Llewellyn Jr., Refuse Superintendent Brad Meyer, City Clerk Kendra Porter, Field Engineer Scott Rickard, and Finance Director Dee Anne Grunder.

**VISITORS**

Bill O’Connell	337 N. Topeka	El Dorado, Kansas
Richard Edds	1815 Quail Run	El Dorado, Kansas
Chuck Bouly	George K. Baum & Co.	Wichita, Kansas
Rick Barrett	220 Belair	El Dorado, Kansas
John & Connor Scanlon	1331 Joyce	El Dorado, Kansas
Tina & James Smith	1140 Ellet	El Dorado, Kansas
Lora Gilardi	918 W. Kansas	El Dorado, Kansas
Ken Nakaten	918 W. Kansas	El Dorado, Kansas
Charles Stowers	4075 SW 20 <sup>th</sup>	El Dorado, Kansas
Carl D. Andrews	1730 Cottonwood Dr.	El Dorado, Kansas
Julie Jones	202 SW Morley	El Dorado, Kansas
Bill Doan	515 W. 13 <sup>th</sup>	El Dorado, Kansas
Gerald Watson	125 N. Summit	El Dorado, Kansas
Larry Adams	1756 W. Third	El Dorado, Kansas
James Cook	719 Fredrick Dr.	El Dorado, Kansas
Sharon Thornton	1123 S. Topeka	El Dorado, Kansas
Shawn & Gabe Cremer	805 S. Main	El Dorado, Kansas
Greg Joyce	1005 Rim Rock Rd.	El Dorado, Kansas
Oral Taylor	1415 Country Club Rd.	El Dorado, Kansas
Linda Baines	253 Post Rd.	El Dorado, Kansas
Marsha Mawhirter	1010 Douglas Rd.	El Dorado, Kansas
Pat McAllister	1944 Belmont	El Dorado, Kansas
Larry & Deb Mitchell	31 West Court	El Dorado, Kansas
Jim Miller	345 Hunton	El Dorado, Kansas

**CALL TO ORDER**

Mayor Brian D. Shepherd called the November 6, 2006, City Commission meeting to order.

**INVOCATION**

The Reverend Bill O’Connell, First Presbyterian Church, opened the meeting with prayer.

**PLEDGE OF ALLEGIANCE**

Ms. Carter’s Third Grade Class from Lincoln Elementary School led the Pledge of Allegiance.

**EMPLOYEE SERVICE AWARDS**

City Manager Herb Llewellyn noted that the City recognizes quality City employees deserving recognition for their service.

The following were recognized:

**Ten-Year Service Awards**

Shawn Cremer, Public Works  
Joseph Haag, Fire Department  
James Smith, Police Department

**Fifteen -Year Service Awards**

Michael Coash, Administration  
Daniel Jones, Police Department  
Michael Work, Engineering

**Twenty-Year Service Award**

David Adams, Police Department  
Rick Kennedy, Police Department  
Nelson Koehn, Public Works  
John Scanlon, Parks & Recreation

**Twenty-Five-Year Service Award**

Jeff Myers, Police Department  
Ken Nakaten, Fire Department  
Terry Trimmell, Public Work

**PERSONAL APPEARANCE**

Richard Edds, 1815 Quail Run, gave an overview of the Character First program.

**CONSENT AGENDA**

- a) Approval of the October 16, 2006, City Commission minutes.
- b) Approval of the October 30, 2006, City Commission Retreat minutes.
- c) Approval of Appropriation Ordinance No. 10-06 in the amount of \$1,374,307.80.
- d) Approve the Engineer's Eighth Pay Estimate dated October 25, 2006, on Project No. 947, Pedestrian/Bicycle Facilities to the Contractor, Cornejo & Sons, in the amount of \$121,699.50.

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

Commissioner Steve Reynolds seconded the motion.

Motion carried 5-0.

**GENERAL OBLIGATION BOND SALE**

Mayor Brian Shepherd stated that at the October 16, 2006, City Commission meeting, the City Commission approved setting this date as the sale date of General Obligation bonds for the long-term funding of twenty-three capital improvement projects in the City. The following motions provide for the long-term funding of these projects.

Discussion ensued amongst Chuck Bouilly, representative from George K. Baum and Company, and Commissioners regarding the bond sale.

Commissioner Steve Pershall moved to award the firm of Commerce Bank the sale of the General Obligation Bond Issue-Series 2006 with an average interest rate of 3.891763% with a total interest of \$1,629,170.00.

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

**RESOLUTION NO. 2560**

Commissioner Steve Pershall moved that Resolution No.2560, a resolution providing for the issuance of the City’s General Obligation Bonds, Series 2006, in the total principal amount of \$4,566,000, for the purpose of financing the otherwise unpaid costs of multiple capital improvements in the City; and prescribing the terms and details of the bonds, be approved.

Commissioner Steve Reynolds seconded the motion.

Motion carried 5-0.

**ORDINANCE NO. S-1277**

Commissioner Steve Pershall moved that Ordinance No. S-1277, an ordinance authorizing and providing for the issuance of the City’s General Obligation Bonds, Series 2006, in the total principal amount of \$4,566,000 for the purpose of financing the otherwise unpaid costs of multiple capital improvements in the City, be approved.

Commissioner Linda Clark 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 Michael Fagg	Yes
	Mayor Brian Shepherd	Yes

**PROPOSED AMENDMENTS TO THE SUBDIVISION REGULATIONS**  
**ARTICLE 5**

Interim Planning and Zoning Director David Yearout stated that the Planning Commission reconsidered the amendment to Article 5 of the Subdivision Regulations on October 5, 2006, based on the request of the City Commission to address the issues of the amount of the proposed fee, the need for a multiple fee structure, the need to have provisions for land dedication at the discretion of the City, and whether the fees to be collected should be at the time of final plat approval. The Planning Commission has resubmitted the original recommendation for the amendment with the changes of a fee of \$300.00 per dwelling unit, with a 10% reduction for each of the steps shown in the original recommendation. All other provisions remain the same; the fee is to be paid at the time of the issuance of the building permit and there is no inclusion of provisions for land dedication.

Interim Planning and Zoning Director David Yearout stated that the Planning Commission originally held a public hearing on July 27, 2006, on these amendments to the El Dorado Subdivision Regulations.

Discussion ensued amongst Interim Planning and Zoning Director David Yearout, and Commissioners regarding the proposed amendments to the subdivision regulations article 5.

**ORDINANCE NO. G-984**

Commissioner Linda Clark moved that the Governing Body accept the recommendation of the Planning Commission, and approve Ordinance No. G- 984, an ordinance amending the Subdivision Regulations of the City of El Dorado, Kansas.

Commissioner Steve Pershall 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 Michael Fagg	Yes
	Mayor Brian Shepherd	Yes

**REFUSE RATES ORDINANCE – PUBLIC HEARING**

Refuse Superintendent Brad Meyer stated that City Staff is proposing a 12% rate increase for residential and commercial refuse customers due to the Butler County Landfill increasing their rates the last 3 years and rising fuel costs. The last City refuse rate increase was approved in 2003.

**PUBLIC HEARING**

Mayor Brian Shepherd opened the public hearing.

Charles Stowers, 113 East Locust, stated that he would prefer to continue with the curbside pick up versus a dumpster at this location.

Larry Mitchell, 31 West Court, stated that he also prefers the curbside pick up to a dumpster at his location. Mr. Mitchell further stated that the City should keep supplying the trash bags.

Pat McAllister, 1944 Belmont, suggested that the City-wide clean up should be changed from curbside pick up to allowing the public free access to the landfill. Mr. McAllister stated that the City should continue to provide trash bags.

Marsha Mawhirter, 1010 Douglas, stated that she appreciates the recycling program and would like to see it continue. Ms. Mawhirter further stated that the City should consider changing to a pay-as-you-throw program.

Greg Joyce, 1005 Rim Rock Road, explained that the current system was designed to be the most fair for all customers. Mr. Joyce suggested to leave the system as is and to approve staffs recommendation.

Larry Adams, 1756 West Third, stated that the current trash service is a good system and should be left as is.

Oral Taylor, 1415 Country Club Road, stated that the refuse system has evolved over the years and is very successful for the fees that are required.

Jim Miller, 345 Hunton Road, stated that he appreciated the City-wide clean up.

Mayor Brian Shepherd closed the public hearing

**ORDINANCE NO. G-985**

Commissioner Steve Pershall moved that Ordinance No. G-985, an ordinance amending Sections 8.04.050 and 8.04.060 of the El Dorado Municipal Code relating to residential and commercial service charges for refuse removal, be approved.

Commissioner Linda Clark 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 Michael Fagg	Yes
	Mayor Brian Shepherd	Yes

**PROJECT NO. 286 – SANITARY SEWER DISTRICT NO. 181 – PRAIRIE LAND ESTATES FIRST ADDITION**

Field Engineer Scott Rickard stated that the City Commission directed that bids be taken on this project. Bids were received and the low bid was below the Engineer’s Estimate.

Mayor Shepherd spread the bids for the record as follows:

Engineer’s Estimate	\$62,894.84
Nowak Construction	\$48,258.88
Alan’s Excavating	\$64,664.70
Mies Construction	\$80,338.40

Commissioner Steve Reynolds moved that as Nowak Construction has submitted the lowest and best bid for Project No. 286, and since their bid of \$48,258.88 was under the Engineer's Estimate, the City Manager be directed to award the contract to said contractor providing that the company furnishes the proper bonds.

Commissioner Linda Clark seconded the motion.

Motion Carried 5-0.

**KANSAS DEPARTMENT OF TRANSPORTATION LONG RANGE PLAN  
(DISCUSSION)**

Field Engineer Scott Rickard stated that the Kansas Department of Transportation Comprehensive Transportation Program is coming to an end in 2009. KDOT is updating the state's long range plan with the intent of improving the Kansas transportation network and strengthening the economic future of the state. KDOT wants to establish a successful vision for the State's transportation needs and wishes to include the input from the City and County level. They have asked the City to submit project suggestions for improvements to state highways.

Discussion ensued amongst the City Commissioners, City Manager Herb Llewellyn and Field Engineer Scott Rickard regarding future projects that will need funding. Several different projects were suggested and will be submitted to KDOT for consideration.

**NEW BUSINESS – DISCUSSION ITEMS**

Mayor Brian Shepherd opened the floor for the Commissioners' comments.

Commissioner Steve Pershall stated that the traffic lights at Central Avenue and Vine Street have been repaired. Mr. Pershall also stated that he was approached by a citizen with an excessive vehicle noise complaint, and followed up with the Police department which assures that each complaint is addressed. Mr. Pershall stated in closing that everyone needs to be respectful of their neighbors.

Chief Ken Nakaten and Captain Ricke Whiteside updated the Commission of the recent downtown fire.

Commissioner Linda Clark complimented the Fire Department and Police Department on a good job containing the fire to one building.

Commissioner Michael Fagg thanked the Augusta Fire Department, El Dorado Fire Department, and the Frontier Fire Department for their efforts on extinguishing the fire.

Youth Commissioner Katie Wheeler updated the Commissioners on the activities of the Youth Commission.

Commissioner Michael Fagg inquired about the First Christian Church sewer problems.

City Manager Herb Llewellyn stated that the sewer line has been routinely flushed. Mr. Llewellyn further stated that the City intends to video the sewer line from the hospital to the First Christian Church. The City is also addressing commercial users utilizing garbage disposals, and the possible damage they can cause to sewer lines.

Mayor Shepherd closed the discussion item section.

**PUBLIC COMMENTS**

Mayor Brian Shepherd opened the floor for public comments.

Pat McAllister, 1944 Belmont, inquired on the status of a possible fireworks ordinance change, which was addressed at the September 5, 2006, Commission meeting.

Mayor Brian Shepherd stated that a proposal will be issued with a possible ordinance change and a public hearing.

Pat McAllister, 1944 Belmont, suggested an analysis of the necessity for the Sixth Avenue crossing at noon since Lincoln School no longer has Kindergarten students.

Jim Miller, 345 Hunton, stated that he would like to see the traffic light operation on Sixth Avenue addressed as well.

Mayor Brian Shepherd closed the public comments section.

**EXECUTIVE SESSION**

Mayor Brian Shepherd stated that this item is for the purpose of discussing confidential data relating to the financial affairs or trade secrets of second parties.

Commissioner Linda Clark 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, legal and non-elected personnel issues, and to reconvene the regularly scheduled meeting in the City Commission room at 10:30 p.m.

Commissioner Michael Fagg seconded the motion.

Motion carried 5-0.

Mayor Shepherd reconvened the meeting at 10:30 p.m., and stated that no official decisions were made.

**CITY MANAGER REPORT**

1. City Manager Herb Llewellyn stated that the water bills this month will be mailed out in envelopes with a flyer enclosed.
2. City Manager Herb Llewellyn stated that the Moratorium for new subdivisions will expire in twenty days.  
The Conesus of the Commission was to include this item on the next City Commission agenda.

Mayor Brian Shepherd questioned the letter from the Holiday Vision committee.

City Manager Herb Llewellyn stated that since the City decreased the budget for Holiday Vision, the committee members elected to discontinue their Christmas activities.

Mayor Brian Shepherd suggested that the businesses of El Dorado sponsor one of the events that Holiday Vision has canceled.

**ADJOURNMENT**

Commissioner Steve Pershall moved to adjourn the meeting at 11:00 p.m.

Commissioner Michael Fagg seconded the motion.

Motion carried 5-0.

---

City Clerk Kendra Porter

---

Mayor Brian D. Shepherd