

EL DORADO SPECIAL CITY COMMISSION MEETING

November 12, 2008

The El Dorado City Commission met in special session on November 12, 2008, at 3:30 pm. in the City Commission Room with the following present: Mayor Tom McKibban, Commissioner Linda Clark, Commissioner Steve Pershall, Commissioner Steve Reynolds, City Manager Herb Llewellyn, City Clerk Kendra Porter, Assistant Public Works Director Brad Meyer, Assistant to the City Manager Matt Rehder, and Assistant City Engineer Scott Rickard. Absent: City Attorney James I. Murfin.

VISITORS

Julie Clements	El Dorado Times	El Dorado, Kansas
Kyle McLaren	220 E. 1st	El Dorado, Kansas
Teri Jimenez	622 Park	El Dorado, Kansas
David Stewart	101 S. Star	El Dorado, Kansas
Sue Austin	220 E. 1 st	El Dorado, Kansas

CALL TO ORDER

Mayor Tom McKibban called the November 12, 2008, Special City Commission Meeting to order.

DAYCARES IN RESIDENTIAL AREAS DISCUSSION

Assistant to the City Manager Matt Rehder provided an overview of the current regulations.

Commissioner Steve Pershall inquired on the legality of a tenant applying for a permit versus the homeowner.

City Manager Herb Llewellyn stated that currently the homeowner must apply for a permit unless the tenant resides at the home.

Mayor Tom McKibban commented on possibly changing the regulations to consider the number of children in the daycare versus the area of floor space.

Commissioner Steve Reynolds inquired if the twenty-five percent regulation was subject to all special use permits or only daycares.

Assistant to the City Manager Rehder stated that the regulations depend on the occupation; some are prohibited. Discussion ensued.

Commissioner David Chapin stated that Staff needs to enforce approving the special use permit prior to allowing the daycare center to begin operation.

Assistant to the City Manager Rehder stated that the packet daycare providers receive explains that a special use permit must be approved prior to opening a daycare.

Planning Commissioner David Stewart discussed the consensus of the Planning Commission regarding this issue. The Planning Commission also wants to participate in the updating of the Comprehensive Plan.

Planning Commissioner Stewart agrees that the twenty-five percent rule would be difficult to monitor and an adjustment might be considered for daycares.

Commissioner Chapin suggested separating daycares from other home occupations. Discussion ensued.

Commissioner Reynolds inquired as to how the twenty-five percent regulation was included in the 1993 zoning regulations.

Assistant to the City Manager Rehder stated that he assumed that it was either previously already included or boiler plate regulations that were inserted.

The consensus of the Commission was for Staff to research other city’s regulations and report on their practices versus their regulations.

Commissioner Pershall inquired on the current practice of the other non-resident daycares that have not been issued a special use permit.

City Manager Llewellyn stated that it would be inappropriate to make them close until the Commission decides how to move forward.

STREET AND SIDEWALK REGULATIONS AMENDMENT

City Manager Herb Llewellyn stated that this ordinance would allow the City to regulate street and sidewalk construction.

Assistant Engineer Scott Rickard stated that the City would require a permit for situations that would normally not be covered under a typical permit.

Commissioner Linda Clark moved that Ordinance No. G-1048, an ordinance amending Title 12, Chapter 12.08 of the El Dorado Municipal Code relating to Street and Sidewalk Use Regulations, be approved.

Commissioner David Chapin 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

NUISANCE ORDINANCE AMENDMENT

City Manager Herb Llewellyn stated that the changes proposed would allow the Municipal Judge to adjudicate versus the City Manager.

City Manager Llewellyn stated that City Attorney Jim Murfin is still in the process of revising the ordinance and suggested that this item be addressed when changes are complete.

SANITATION ORDINANCE AMENDMENT

Assistant Public Works Director Brad Meyer stated that the proposed ordinance allows the City to enforce scavenging and includes a fine.

Commissioner Linda Clark inquired on how the City planned on enforcing scavenging.

Assistant Public Works Director Meyer stated that citizens can call 911 or contact the Public Works department if they see someone rummaging through dumpsters or bags placed on the curb.

Assistant Public Works Director Meyer explained how citizens rummaging through recyclables reduce the City's recycling revenue.

Commissioner Steve Reynolds moved that Ordinance No. G-1049, an ordinance amending Title 8, Chapter 4 of the El Dorado Municipal Code relating to refuse collection and disposal, be approved.

Commissioner Steve Pershall seconded the motion.

ROLL CALL

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
Position No. 3	Commissioner Steve Pershall	Yes

ADJOURNMENT

Commissioner Steve Reynolds motioned to adjourn at 4:20 pm.

Commissioner Steve Pershall seconded the motion.

Motion Carried 5-0.

City Clerk Kendra Porter

Mayor Tom McKibban