

## **EL DORADO CITY COMMISSION MEETING November 15, 2004**

The El Dorado City Commission met in regular session on November 15, 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**

Lue Asmussen	1015 Douglas Road	El Dorado, Kansas
John Kirk	505 N. Tyler, Apt. 608	Wichita, Kansas
Julie & Alexx Wranosky	345 State	El Dorado, Kansas
Renee & Connor Scanlon	1331 Joyce	El Dorado, Kansas
Leann Armstrong	501 N. Washington	El Dorado, Kansas
Heather & Sherry Riddle	921 N. Denver	El Dorado, Kansas
Jared & Angela Merrill	313 Dellway	El Dorado, Kansas
Tammy & Daniel Haug	507 N. Atchison	El Dorado, Kansas
Meykia Moore	P.O. Box 369	El Dorado, Kansas
Jemal & Sharmaine Warren	P.O. Box 369	El Dorado, Kansas
James Cook	719 Fredrick Drive	El Dorado, Kansas
Bruce Harris	4843 SW Country Lane	El Dorado, Kansas
Linda Jolly	6454 Brundige	Derby, Kansas
Carl Andrews	1730 Cottonwood Drive	El Dorado, Kansas
Jeanne Evans	512 Linda Lane	El Dorado, Kansas
Montgomery Moore	516 Houser Street	El Dorado, Kansas
Gage Armstrong	501 N. Washington	El Dorado, Kansas
Autum Listar	507 N. Atchison	El Dorado, Kansas
Lydia Willhite	1420 N. Taylor	El Dorado, Kansas
Megan Morris	519 W. Fourth	El Dorado, Kansas
Lionel Tipton	1845 Terrace	El Dorado, Kansas
Brian Johnson	1345 Glenview	El Dorado, Kansas
Linda Swann	1430 Park Avenue	El Dorado, Kansas
Chevis Rebstock	2322 Hazlett	El Dorado, Kansas
Katie Wheeler	1951 Chelsea Drive	El Dorado, Kansas
Kate Bird	1439 Lawndale	El Dorado, Kansas
Kelsea Callaway	1610 Sherrylee Lane	El Dorado, Kansas
Becky Badwey	1509 Country Club Road	El Dorado, Kansas
Kylie Bookout	2520 Kacy Court	El Dorado, Kansas
Ashlyn Clites	1305 Glenview Drive	El Dorado, Kansas
Cheyenne Edgin	400 N. Taylor	El Dorado, Kansas
A.J. Howell	902 S. Denver	El Dorado, Kansas
Chelsea Milbourn	121 N. Emporia	El Dorado, Kansas
Aaron Owen	925 River Road, #1707	El Dorado, Kansas
Mario Triana	311 S. Summit	El Dorado, Kansas
Trilby Wiggins	415 S. Orchard	El Dorado, Kansas

### **CALL TO ORDER**

Mayor Connie Phillips called the November 15, 2004, meeting to order.

### **INVOCATION**

The Reverend Brian Johnson opened the meeting with prayer.

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**PLEDGE OF ALLEGIANCE**

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

**PROCLAMATION**

**American Education Week**

Mayor Connie Phillips declared November 14-20 as the 83<sup>rd</sup> annual observance of American Education Week.

**PERSONAL APPEARANCE**

Youth Commission Chairman Chevis Rebstock, 2322 Hazlett, presented a gift to Youth Commission Coordinator Linda Swan to thank her for her service.

**CONSENT AGENDA**

- a) Approval of the November 1, 2004, City Commission minutes.
- b) Approval of the November 9, 2004, Work Session minutes.

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

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

**TAX EXEMPT POLICY REVISION**

Mayor Connie Phillips stated that State law authorizes municipalities the opportunity to consider property tax exemptions to assist in economic development within their communities. The policy adopted by the City Commission in 1987 and revised in 1992 has been reviewed by the new Executive Director of the Community Development Organization.

Linda Jolly, representing El Dorado Inc., recommended the following revisions to the Tax Abatement Policy in Resolution 1880:

- 1. Section 16: Increase the fee charged to a business applying for tax abatement from \$100 to \$250 (equals State's fee).
- 2. Section 2: (definition of review committee for initial recommendation of tax abatement). The committee would be defined as the Mayor of the Governing Body, who will serve as chairperson, the president of El Dorado Inc., City Clerk and City Manager. The committee can meet on the call of any committee member.
- 3. A quorum of three would be required for recommendations.

**RESOLUTION NO. 2475**

Commissioner Clark moved that Resolution No. 2475, a resolution providing for amendments to the policy and procedures for tax exemptions for economic development be approved, and to repeal conflicting provisions of Resolution No. 1880.

Commissioner Taylor seconded the motion. Motion carried 4-1. (Commissioner Fagg opposed.)

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Commissioner Fagg stated he voted no because he would have preferred to have had more time to review the policy.

**BOARD APPOINTMENTS**

Mayor Phillips stated the City Commission annually makes appointments to El Dorado Inc., the economic arm of the City of El Dorado. The appointments are made on an annual basis for the term of one year by resolution. The Commission has discussed the issue of appointments to El Dorado, Inc. If the Commission desires any changes or revisions to the terms of these appointments, Resolution No. 1829 will need to be revised.

Commissioner Shepherd stated that he would like to appoint members for the same term as the term of the Commissioner appointing them.

**RESOLUTION NO. 2476**

Commissioner Taylor moved to approve that Resolution No. 2476, a resolution to amend Resolution No. 1829 stating the term of each appointee shall be the same as the Commissioner's term.

Commissioner Clark seconded the motion.

Commissioner Fagg asked what level of funding is provided for El Dorado Inc. from the City.

City Manager Gus Collins stated that it is a dollar-for-dollar match up to one mill by resolution.

Commissioner Fagg asked for an explanation of the Commission appointment, their responsibilities, and who they are responsible to.

City Manager Collins stated that they serve on the El Dorado Inc. Board and have a voting position.

Commissioner Fagg recommended ending the appointments to El Dorado Inc. He also stated he feels the appointees should not be required to contribute financially in order to serve.

Commissioner Shepherd stated that he agrees with Commissioner Fagg that the appointees should not be required to contribute financially in order to serve.

Motion carried 5-0.

Commissioner Taylor nominated Brian Clites.

Commissioner Clark nominated Marv Loucks.

Commissioner Shepherd nominated Tony Grunder.

Commissioner Fagg nominated Greg Joyce.

Commissioner Taylor moved to appoint Marv Loucks, Tony Grunder, Brian Clites and Greg Joyce to the El Dorado Inc. Board for a specified term as required by Resolution No. 2476.

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Commissioner Clark seconded the motion. Motion carried 4-1. (Commissioner Fagg opposed.)

**PUBLIC HEARING FOR PROJECT NOS. 212 AND 260-2005 SALES TAX STREET PROJECTS**

Mayor Phillips stated that the following action is necessary to establish December 6, 2004, as the date for a public hearing on Project Nos. 212 and 260, which are proposed to be included in the 2005 Sales Tax Street Program.

2005 Sales Tax Projects- the proposed projects funded with the 2005 Sales Tax are as follows:

Project No. 253- Resurface Gordy (Third to Fourth)

Project No. 260- Repave Summit (Third to Fifth)- Public Hearing Required

Project No. 225- Resurfacing the outside lanes of Sixth (Star to Orchard)

Project No. 263- Reconstructing additional sections of the intersection of Haverhill Rd. and Towanda- may be able to use a portion of the remaining funds from 2004 if available

Project No. 212- KLINK resurfacing project (KDOT FY 06), Central (Topeka to Griffith)- Public Hearing Required

City Engineer Dave Wagner stated that 2005 will mark the fifteenth year in which the sales tax projects have been conducted. A public hearing needs to be set for projects 260 and 212.

City Manager Collins stated that an informational meeting is scheduled for November 30, 2004.

Commissioner Shepherd questioned the width of Summit from Third to Fifth. He stated since it is a collector street, he feels it would be an ideal time to widen the street since the curbing and guttering is being torn out. He stated he is not suggesting doing so, but does not understand how this complies with the policy when Summit Street is more of a collector than other streets.

Commissioner Taylor stated that other collector streets have been resurfaced without widening to the 41 feet. He noted the policy was set up for streets that have not been built to City standards.

**RESOLUTION NOS. 2477 AND 2478**

Commissioner Taylor moved that Resolution No. 2477, and Resolution No. 2478, resolutions establishing a public hearing to be held on December 6, 2004, on the advisability of paving Project Nos. 212 and 260, respectively, be adopted.

Commissioner Shepherd seconded the motion.

Commissioner Fagg questioned how projects are selected.

City Engineer Wagner stated that they are currently selecting the streets that have not been resurfaced since 1990.

City Manager Collins stated that the program is a part of the Capital Improvement Plan. The Capital Improvement Plan process is reviewed annually by City Staff.

Motion carried 5-0.

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**PROJECT NO. 259-PAVING THE GREENS AT PRAIRIE TRAILS – PHASE I**

Mayor Phillips stated that the developer of The Greens at Prairie Trails has requested to pave the west portion of the addition. She stated the following actions would be needed:

1. To receive the petition and determine its sufficiency.
2. To pass a Resolution of Advisability and Necessity combined to establish the project.

**RECEIVING THE PETITION**

City Clerk Dee Anne Grunder reported to the Commission that the petition for the construction project, signed by owners of 100% of the owners is sufficient for Project No. 259.

**RESOLUTION NO. 2479 AND ORDINANCE S-1220**

City Engineer Wagner stated that Martin Goedecke of Goedecke Engineering had worked on a Stormwater Study to determine how to reduce the time the water would take to pass to the west. He has a plan to reduce the amount of water for a five-year storm.

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

Commissioner Taylor moved that the Report of Sufficiency be accepted for Project No. 259-Paving The Greens at Prairie Trails – Phase I, and that Resolution No. 2479, a Resolution of Finding as to Advisability and Resolution Authorizing Improvement combined, and that Ordinance No. S-1220, an ordinance authorizing the construction of internal improvements for said project, be approved, and further moved that the City Manager be instructed to take bids after plans, specifications and an estimate of cost are prepared.

Commissioner Clark seconded the motion.

Commissioner Fagg questioned how much of the \$220,811.38 was storm sewer drainage.

City Engineer Wagner stated he thinks it is approximately \$170,000.

Commissioner Fagg stated he was voting against the project because he wants to see the resolution before voting.

**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
Position No. 5	Mayor Connie Phillips	yes

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**CITY MANAGER'S REPORT**

City Manager Collins noted the following:

1. No work session scheduled at this time.
2. The next City Commission Meeting is scheduled for December 6<sup>th</sup>.

Commissioner Fagg questioned work on sidewalks on West Central.

City Engineer Wagner stated the work was slowed down due to weather conditions.

**ADJOURNMENT**

Commissioner Taylor moved to adjourn at 8:35 p.m.

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

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City Clerk Dee Anne Grunder

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Mayor Connie Phillips