

**EL DORADO CITY COMMISSION MEETING****November 20, 2006**

The El Dorado City Commission met in regular session on November 20, 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., City Clerk Kendra Porter, Field Engineer Scott Rickard, and Finance Director Dee Anne Grunder.

**VISITORS**

Deborah Amend	1130 W. Locust	El Dorado, Kansas
Judy & Randy McIntosh	1227 W. Towanda	El Dorado, Kansas
Barth Crouch	205 S. Santa Fe	Salina, Kansas
Tim Christian	421 W. Avenue C	McPherson, Kansas
Doug Bled	3131 C.R. 2600	Independence, Kansas
Carl Seavors		Wichita, Kansas
Vicki & Jack Hunt	12621 S.W. 80 <sup>th</sup>	Augusta, Kansas
Leonard & Nellie Smith	401 S. Denver	El Dorado, Kansas
Ladislado M. Hernandez	1136 S. Summit	El Dorado, Kansas
Larry Adams	1756 W. Third	El Dorado, Kansas
Ron Williams	150 N. Main Ste 600	Wichita, Kansas
Jim S. Knowles	1119 Burrus	Wichita, Kansas
Howard Shaft	224 W. Third	Douglass, Kansas
Kevin D. Johnson	482 N.E. Bluestem Rd.	El Dorado, Kansas
Mark E. Beyer	Route #1	Towanda, Kansas
Jim Smith	12049 SW 180 <sup>th</sup>	Rose Hill, Kansas
Charles Curnell	18326 SW Prairie Ridge Rd.	Rose Hill, Kansas
Daren Bannon	5520 SW 170th	Douglass, Kansas
Chuck Powell	1968 SW Tawakoni	Benton, Kansas
Van E. Pooler	1715 Candance Lane	El Dorado, Kansas
Jim Stump	2515 Kacy Ct.	El Dorado, Kansas
Stan Marshall	3510 NE Fourth	El Dorado, Kansas
Kathryn Hollingsworth	El Dorado Times	El Dorado, Kansas
James Cook	719 Fredrick Dr.	El Dorado, Kansas
Patrick Doane	219 Warren Rd.	El Dorado, Kansas
Kurt Bookout	2520 Kacy Ct.	El Dorado, Kansas
Matt Rehder	220 E. First	El Dorado, Kansas
Stacia Boden	8301 E. 21 <sup>st</sup> St. North	Wichita, Kansas
Vince Haines	300 N. Star	El Dorado, Kansas
Linda Jolly	2100 Pico Ct.	El Dorado, Kansas
Pat Hicks	1147 S. Arthur	El Dorado, Kansas
Jo & Todd Peterson	1830 Kenrick Ln.	El Dorado, Kansas
Don Adlesperger	1285 S. Topeka	El Dorado, Kansas
David Rogers	350 Village Rd.	El Dorado, Kansas
Gerald Watson	125 N. Summit	El Dorado, Kansas
Nicole Faber	1004 S. Denver	El Dorado, Kansas
Reverend Richard Edds	1815 Quail Run	El Dorado, Kansas

**CALL TO ORDER**

Mayor Brian D. Shepherd called the November 20, 2006, City Commission meeting to order.

**INVOCATION**

The Reverend Richard Edds, First Southern Baptist Church, opened the meeting with prayer.

**PLEDGE OF ALLEGIANCE**

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

**PERSONAL APPEARANCE**

Deborah Amend, representing the El Dorado Rotary Club, thanked City of El Dorado employees, Butler County employees, and all the volunteers who pulled together and helped to beautify and clean the new bike path along the Walnut River on Saturday, November 11, 2006.

Public Utilities Director Kurt Bookout gave an overview of the new wastewater treatment plant and the progress and importance of the wetlands that are being constructed around the plant.

Barth Crouch, Kansas Alliance of Wetlands and Streams, presented a grant check to Mayor Brian Shepherd in the amount of \$20,000 for the wetland improvements at the new wastewater treatment plant.

**CONSENT AGENDA**

- a) Consider approval of the November 6, 2006, City Commission minutes.
- b) Consider approval of the November 13, 2006, Special City Commission minutes.

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

Commissioner Steve Pershall seconded the motion.

Motion carried 5-0.

**SEWER ORDINANCE DISCUSSION**

Public Utilities Director Kurt Bookout updated the Commissioners on the City's current process of using December through March water usage to average sewer rates. Mr. Bookout stated he is proposing a three month average from December through February.

Commissioner Steve Pershall moved that the City of El Dorado adopt the sewer rates based on December through February usage.

Commissioner Linda Clark seconded the motion.

Motion carried 4-1. (Commissioner Michael Fagg opposed)

Public Utilities Director Kurt Bookout updated the Commissioners on the sewer backup prevention program. Flyers were mailed to citizens explaining the importance of disposing of grease in other manners than through garbage disposals. Mr. Bookout also stated that the City is enforcing, through the Uniform Plumbing Code, the removal of garbage disposals from commercial businesses. The garbage disposals cause grease to bypass grease traps and drain directly into the sewer system causing blockage.

Public Utilities Director Kurt Bookout updated the Commissioners on the condition of the sewer line between the hospital and First Christian Church. Mr. Bookout stated that the recent sewer backup was due to someone throwing large rocks into the sewer system.

Commissioner Steve Reynolds stated his thanks to the water department for such prompt service on Sunday evening after he called regarding low water pressure at his residence.

Kurt Bookout stated that a recent line break at Sixth and Main is causing low water pressure and will be repaired late this evening.

**2007 SALES TAX STREET PROGRAM**

Mayor Brian Shepherd stated that staff is requesting that Project No. 288, resurfacing Hazlett (Skyview to McCollum), Rim Rock (Country Club to Hazlett), and Post (Lawndale to Country Club); Project No. 290, resurfacing Haverhill (Sixth to Oil Hill), and Project No. 291, curb and gutter and driveway rehabilitation on Post (Lawndale to Country Club), Hazlett (Skyview to McCollum), and Rim Rock (Country Club to Hazlett) be in the 2007 Sales Tax Street Program.

Field Engineer Scott Rickard stated that staff is requesting for a motion to move forward with the creation of plans and specifications for bidding purposes on Project Nos. 288, 290, and 291.

Commissioner Linda Clark moved to authorize the creation of plans and specifications for bidding purposes on the 2007 Sales Tax Projects.

Commissioner Steve Pershall seconded the motion.

Motion carried 5-0.

**PROJECT NO. 291 – NOTICE OF PUBLIC HEARING**

Mayor Brian Shepherd stated that the following action will establish December 4, 2006, as the date for a Public Hearing on Project No. 291, which is proposed to be included in the 2007 Sales Tax Program. This action is required since the property owners will be assessed for a portion of the work.

2007 SALES TAX PROJECT – the proposed project funded with the 2007 Sales Tax is as follows:

Project No. 291 – curb and gutter and driveway rehabilitation on Post Road (Country Club to Lawndale), Hazlett (McCollum to Skyview), Rim Rock (Country Club to Hazlett).

A letter will be mailed to each property owner notifying them of their proposed costs and the date established for the public hearing.

**RESOLUTION NO. 2561**

Commissioner Linda Clark moved that Resolution No. 2561, a resolution directing and providing for the holding of a public hearing on the advisability of making certain paving improvements (Project No. 291) and providing for the giving of notice of such public hearing, be approved.

Commissioner Steve Reynolds seconded the motion.

Motion carried 5-0.

**FIREWORK DISCUSSION**

Mayor Brian Shepherd opened the floor for firework discussion.

City Manager Herb Llewellyn stated that he did not find current verbiage on discharging fireworks in city streets. Mr. Llewellyn further stated that fireworks were only allowed on New Years Eve in 1999.

City Manager Herb Llewellyn stated that he would be willing to draft an ordinance to shorten the number of days to discharge fireworks.

Mayor Brian Shepherd stated that he would prefer to leave the ordinance as is.

Commissioner Linda Clark and Commissioner Michael Fagg both stated they would consider shortening the number of days fireworks can be discharged.

**AIRPORT DISCUSSION**

City Manager Herb Llewellyn read questions that were submitted to him from Gerald Watson and Jo Peterson; answers were prepared by City staff. Mr. Llewellyn stated that a copy will be given to Mr. Watson and Mr. and Mrs. Peterson.

**BOARD APPOINTMENTS**

Mayor Brian Shepherd stated that the City Commission appoints members to various advisory boards.

PLANNING COMMISSION – Two Consecutive Terms (3-year terms)

Commissioner Steve Pershall moved to appoint Mike Glendenning to the Planning Commission for a term to expire April 1, 2008.

Commissioner Steve Reynolds seconded the motion.

Motion carried 5-0.

**NEW BUSINESS – DISCUSSION ITEMS**

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

Commissioner Steve Reynolds congratulated the El Dorado High School cross country teams for qualifying for State.

Mayor Brian Shepherd suggested to publicly honor the El Dorado High School cross country teams.

Commissioner Fagg asked for City Manager Herb Llewellyn's insight from his recent trip to Boston to attend the National Brownsfield Conference.

City Manager Herb Llewellyn stated that he received a good base line for environmental issues involved in redevelopment of the old refinery and the oil fields in the northwest side of the community.

Commissioner Michael Fagg stressed the need for open communication between the Commissioners and the City Manager.

Mayor Brian Shepherd stated that the City is removing fill dirt at the Holiday Inn Express site and construction is moving forward.

Mayor Shepherd closed the discussion item section.

**PUBLIC COMMENTS**

Mayor Brian Shepherd opened the floor for public comments.

Vicki Hunt, 12621 S.W. 80<sup>th</sup>, stated that she would like to see an end to all the complaints regarding the airport and for the airport to be a safe and fun place for everyone.

Jo Peterson, 1830 Kendrick Lane, thanked staff for answering questions and asked for copies of the responses. Ms. Peterson also stated that the airport does have some unsafe practices; however, it is an uncontrolled airport and offers flying classes that cause such instances.

Larry Adams, 1756 West Third, questioned if the bridges built for the new bike path are insured against floods.

Discussion ensued amongst Commissioner Michael Fagg, Mayor Brian Shepherd and Larry Adams regarding the possibility of future problems with the bike path bridges.

Don Adlesperger, 1285 South Topeka, stated that he would like clarification on the park dedication changes.

City Manager Herb Llewellyn explained that park dedication will be assessed when a building permit is issued in order to help pay for park development and maintenance.

Mayor Brian Shepherd explained that the City wants to encourage development but does not need any additional land to maintain.

Nicole Farber, 1004 South Denver, stated she would like to see a shorter time frame allowed for the discharge of fireworks.

Jo Peterson, 1830 Kendrick Lane, stated that fireworks are to be expected when celebrating our American heritage and that the current ordinance is acceptable.

Pat Hicks, 1147 South Arthur, stated that she did not see the current agenda listed on Channel 7. Ms. Hicks also stated that she would like to see the agenda in the El Dorado Times prior to the City Commission meetings.

David Rogers, 350 Village Road, stated he would like to see a new light sensor installed at Village Road and Central Avenue.

Gerald Watson, 125 North Summit, thanked Commissioner Reynolds and Commissioner Pershall for attending a prior meeting regarding the airport and Mr. Llewellyn and staff for answering questions pertaining to the airport.

Nellie Smith, 401 South Denver, complained about the cannon that is shot off after each touchdown at football games.

Larry Adams, 1756 West Third, stated that people should be fined for breaking the law for discharging fireworks. Mr. Adams further stated that the City needs to enforce laws.

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 Steve Pershall 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 10:35 p.m.

Commissioner Steve Reynolds seconded the motion.

Motion carried 5-0.

Mayor Shepherd reconvened the meeting at 10:40 p.m., and stated that no official decisions were made.

**CITY MANAGER REPORT**

City Manager Herb Llewellyn stated that he had nothing to report.

**INDUSTRIAL PARK DEVELOPMENT**

Mayor Brian Shepherd stated that this item is to discuss the property in connection with the construction of a manufacturing facility in the Industrial Park.

Mayor Brian Shepherd stated that it is also necessary to authorize the City Manager to sign the engagement letter for legal services with Stinson Morrison Hecker, LLP. All legal expenses will be within the purchase price of the property and will be reimbursed by the buyer.

**RESOLUTION NO. 2562**

Commissioner Linda Clark moved that Resolution No. 2562, a resolution declaring it necessary to appropriate certain interests in real property for the use of the City of El Dorado, Kansas, in connection with the construction of a manufacturing facility in the vicinity of the El Dorado Industrial Park.

Commissioner Steve Pershall seconded the motion.

Motion carried 5-0.

Commissioner Linda Clark moved to authorize the City Manager to sign the engagement letter for Stinson Morrison Hecker LLP to provide legal services for the City of El Dorado.

Commissioner Steve Pershall seconded the motion.

Motion carried 5-0.

**ADJOURNMENT**

Commissioner Steve Reynolds moved to adjourn the meeting at 10:45 p.m.

Commissioner Steve Pershall seconded the motion.

Motion carried 5-0.

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City Clerk Kendra Porter

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Mayor Brian D. Shepherd