

EL DORADO CITY COMMISSION MEETING

December 1, 2008

The El Dorado City Commission met in regular session on December 1, 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, City Clerk Kendra Porter and City Attorney Jim Murfin.

VISITORS

Julie Clements	El Dorado Times	El Dorado, Kansas
Reverend Meredyth Bellows	Susan B. Allen Memorial	El Dorado, Kansas
Brad Meyer	220 E. 1 st	El Dorado, Kansas
Judy Slayton	806 Skyview	El Dorado, Kansas
Darla & McKenna Stewart	431 N. Summit	El Dorado, Kansas
Hayden Pierce	1240 S. Topeka	El Dorado, Kansas
Mason Paye'	2032 Chelsea	El Dorado, Kansas
Christian Mc Coy	520 W. 4 th	El Dorado, Kansas
Breanna Simmons	1708 W. 5 th	El Dorado, Kansas
James Cook	719 Fredrick Dr.	El Dorado, Kansas
Donald Adlesperger	1285 S. Topeka	El Dorado, Kansas
Rex McKinney	2244 SW 70 th	El Dorado, Kansas

CALL TO ORDER

Mayor Tom McKibban called the December 1, 2008 City Commission meeting to order.

INVOCATION

Reverend Meredyth Bellows, Susan B. Allen Memorial Hospital, opened the meeting with prayer.

PLEDGE OF ALLEGIANCE

Ms. Judy Slayton's Third grade students from Lincoln Elementary School led the Pledge of Allegiance.

PUBLIC COMMENTS

Mayor Tom McKibban opened the floor for public comments.

Rex McKinney, 2244 SW 70th, read a prepared statement regarding Tom McKibban's recent annexation. Mr. McKinney asked that the Mayor withdrawal the request or that the County deny because it sets a bad precedent.

Mayor McKibban explained that he annexed other property north of town without any complaints. Mayor McKibban also stated that he believes annexation promotes growth.

Discussion ensued between Rex McKinney, Mayor McKibban, and City Manager Herb Llewellyn.

CONSENT AGENDA

- a. Consider approval of the November 17, 2008 City Commission minutes.
- b. Consider approval of Appropriation Ordinance No. 11-08 in the amount of \$1,268,188.49.

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- c. Consider the Engineer's Third Pay Estimate dated November 24, 2008 on Project No. 307, Paving Prairie Land Estates 2nd Addition to the Contractor, Cornejo & Sons, in the amount of \$88,241.41.
- d. Consider the Engineer's Fourth & Final Pay Estimate dated November 24, 2008 on Project No. 308, Sanitary Sewer Prairie Land Estates 2nd Addition to the Contractor, Nowak Construction, in the amount of \$8,927.76.
- e. Consider the Engineer's First Pay Estimate dated November 24, 2008 on Project No. 243A, Sanitary Sewer 702,706,718,720 W. Tenth to the Contractor, Ewertz Excavation, in the amount of \$23,085.00.
- f. Consider the Engineer's First & Final Pay Estimate dated November 24, 2008 on Project No. 297, Resurfacing McCollum (Country Club to Potter Ct), Adams, Murray, Weber to the Contractor, APAC Kansas, in the amount of \$90,491.14.
- g. Consider the Engineer's First & Final Pay Estimate dated November 24, 2008 on Project No. 298, Curb & Gutter Rehab McCollum (Country Club Road to Potter Ct) Adams, Murray, Weber to the Contractor, APAC Kansas, in the amount of \$3,270.80.
- h. Consider the Engineer's First & Final Pay Estimate dated November 24, 2008 on Project No. 299, Resurfacing 3rd (Main Street to Washington) to the Contractor, APAC Kansas, in the amount of \$98,336.99.

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

Commissioner Steve Pershall seconded the motion.

Motion carried 5-0.

KDOT 5-YEAR PLAN

Assistant City Engineer Scott Rickard stated as previously discussed, the City is asking for your consideration to request the following projects to be submitted to KDOT in conjunction with their five-year plan; the Northwest Trafficway, US-54 (Central Avenue) & Vine Street and K-254 (Central Avenue) High Street to Griffith Street.

Commissioner Steve Pershall requested clarification regarding the Northwest Trafficway.

Assistant City Engineer Rickard stated that the Northwest Trafficway is intended to intersect at Haverhill Road/OilHill Road and extend to McCollum Road/Main Street.

Commissioner David Chapin questioned why the City would leave two blocks without turn lanes on the West Central project.

Commissioner Linda Clark stated that the turn lanes on West Central were previously voted down by previous Commission due to public input.

Commissioner Linda Clark moved to allow the City Commission to request the Northwest Trafficway project be submitted to the State of Kansas for the five-year plan and to commit to the State that the City will have sufficient funds available for the completion of this project deemed last priority.

Commissioner Steve Pershall seconded the motion.

Motion carried 5-0.

Commissioner Steve Pershall moved to allow the City Commission to request the US-54 (Central Avenue) and Vine Street project be submitted to the State of Kansas for the five-year plan and to commit to the State that the City will have sufficient funds available for the completion of this project deemed top priority.

Commissioner David Chapin seconded the motion.

Motion carried 5-0.

Commissioner David Chapin moved to allow the City Commission to request the K-254 (Central Avenue) High Street to Griffith Street project be submitted to the State of Kansas for the five-year plan and to commit to the State that the City will have sufficient funds available for the completion of this project deemed second priority.

Commissioner Steve Reynolds seconded the motion.

Motion carried 5-0.

ZONING REGULATIONS TEXT AMENDMENT – SPECIAL USE PERMIT FEES

Assistant to the City Manager Matt Rehder stated that beginning January 2008, City Staff changed the fee for a Special Use Permit application from \$50 to \$100. It was Staff’s interpretation this could be done administratively. It was brought to Staff’s attention an ordinance must be passed to amend the zoning regulations.

The publication costs increased to the point that the previous fee did not cover the publication expense. In addition, changing the fee makes the regulations uniform in application fees. Applications for the Board of Zoning Appeals and rezoning cases are \$100.

ORDINANCE NO. G-1052

Commissioner Linda Clark moved that Ordinance No. G-1052, an ordinance to amend Article 10 of the City of El Dorado Zoning Regulations to state a Special Use Permit application requires a \$100 fee, be approved.

Commissioner Steve Reynolds seconded the motion.

ROLL CALL

Position No. 3	Commissioner Steve Pershall	Yes
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

PASSENGER RAIL SERVICE – NORTHERN FLYER ALLIANCE

City Manager Herb Llewellyn stated that the Northern Flyer Alliance is an organization that is seeking support from municipalities for a passenger rail expansion through Kansas and Oklahoma, and for this expansion to be included in KDOT’s ten-year state-wide Comprehensive Transportation program. The proposed section would connect

rail service from Kansas City to Fort Worth to already established lines. There is no monetary commitment from the City.

RESOLUTION NO. 2621

Commissioner Linda Clark moved that Resolution No. 2621, a resolution endorsing passenger rail service in the ten-year state-wide comprehensive transportation program, be approved.

Commissioner Steve Pershall seconded the motion.

Motion carried 5-0.

ISSUE TEMPORARY NOTE – PROJECT NO. 255, 285, AND 307

City Clerk Kendra Porter stated that the City needs funding for Project No 255 (Ninth Avenue Bridge Replacement), 285 (Widening of Intersection at Sixth Avenue & Main Street), and 307 (Paving Prairie Land Estates 2nd Addition). Staff requests issuing temporary notes in the amount of \$655,000 to finance the projects with an excellent interest rate of .91%.

RESOLUTION NO. 2622

Commissioner Steve Reynolds moved that Resolution No. 2622, a resolution providing for the issuance of Temporary Note No. 1880 for Project No. 255 (Ninth Avenue Bridge Replacement), 285 (Widening of Intersection at Sixth Avenue & Main Street), and 307 (Paving Prairie Land Estates 2nd Addition) in the total principal amount of \$655,000, be adopted.

Commissioner Steve Pershall seconded the motion.

Motion carried 5-0.

NUISANCE ORDINANCE

City Attorney Jim Murfin stated that Staff has proposed amendments to the abatement of nuisances portion of the Municipal Code at the November 12, 2008 City Commission meeting. Several changes were proposed to the ordinance and the item was tabled until this meeting. This ordinance should help streamline processes and hearings will be conducted by the City Manager.

ORDINANCE NO. G-1053

Commissioner David Chapin moved that Ordinance No. G-1053, an ordinance amending Title 8, Chapter 13 of the El Dorado Municipal Code relating to the abatement of nuisances, be approved.

Commissioner Steve Pershall seconded the motion.

ROLL CALL

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
Position No. 1	Commissioner Steve Reynolds	Yes

NEIGHBORHOOD REVITALIZATION PROGRAM

City Manager Herb Llewellyn stated that in 1997, the City of El Dorado adopted a tax rebate program for certain areas of the city that needed rehabilitation. The current program must be renewed prior to December 31, 2008. The proposed program is for a three-year term expiring December 31, 2011.

Staff has prepared a map for the Commission's consideration of areas to include in the program. The Committee recommended not including the remainder of the Adlesperger-Smith Addition that has not been developed, nor submitted NRP applications. Also, Staff is recommending the City receive the 5% Administrative fee.

Discussion ensued amongst the Commissioners and consensus was for Adlesperger-Smith Addition to remain in the program.

Commissioner Linda Clark moved that Resolution No. 2623, a resolution providing for the authorization for the City of El Dorado to enter into an interlocal agreement with Butler Community College, Butler County, USD #490 and USD #375, for the purpose of implementing the Neighborhood Revitalization Program, be approved.

Commissioner Steve Pershall seconded the motion.

Motion carried 5-0.

NEW BUSINESS – DISCUSSION ITEMS

Mayor Tom McKibban opened the floor for Commissioners' comments.

Commissioner David Chapin requested an overview of the West Central paving project.

Assistant City Engineer Scott Rickard stated that the contractor is finishing the work on the medians and will open it up to traffic once the stormsewer is complete. Additional work will need to be completed next spring.

Commissioner Chapin inquired on the status of North Main bridge.

Assistant City Engineer Scott Rickard stated that the contractor anticipates to open all four lanes of traffic the second week of December; however, the City is skeptical. Bike path, sidewalks and mill and overlay will have to be finished in the spring.

Commissioner Steve Pershall has received a complaint regarding the walk signal light at Summit Street and Central Avenue does not allow enough time.

Assistant Public Works Director Brad Meyer explained that the signal works off the camera and all the walk timers have the same amount of time to cross the street.

City Manager Herb Llewellyn stated that the City has considered replacing the systems with a count-down system that might eliminate the concern; however, they are rather expensive.

Commissioner Linda Clark inquired if telephone books could be recycled at our Recycle Center.

Assistant Public Works Director Brad Meyer indicated that telephone books could be brought to the Recycle Center for recycling.

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Commissioner Steve Reynolds inquired on the status of the lights on the Ninth Avenue bridge.

Assistant City Engineer Scott Rickard stated that the City is rebuilding the controller.

Commissioner Steve Reynolds reminded citizens that their sewer rate in December, January and February determine their summer sewer average.

Mayor McKibban reminded citizens to be aware of fire hazards; as well as the Christmas parade this Friday.

Commissioner Clark reminded citizens of the KZSN toy run this Wednesday.

Mayor Tom McKibban closed the Commissioners' comments.

CITY MANAGER'S REPORT

City Manager Herb Llewellyn stated that a Work Session to discuss recycling with the County is scheduled for December 10, 2008 at 3:30 pm.

City Manager Llewellyn stated that Staff does not foresee the need to have a year-end meeting on December 31, 2008; therefore, the last meeting of the year will be December 15, 2008.

City Manager Llewellyn indicated that Staff would like to proceed with Commissioner Reynolds previously suggested holiday closing schedule.

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.

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, and to reconvene the regularly scheduled meeting in the City Commission room at 9:05 pm.

Commissioner Steve Reynolds seconded the motion.

Motion carried 5-0.

ADJOURNMENT

Commissioner Linda Clark moved to adjourn the meeting at 9:14 pm.

Commissioner Steve Pershall seconded the motion.

Motion carried 5-0.

City Clerk Kendra Porter

Mayor Tom McKibban