

EL DORADO CITY COMMISSION MEETING MINUTES

December 3, 2001

The El Dorado City Commission met in regular session on December 3, 2001. The following were present: Mayor Connie Phillips, Commissioner Oral Taylor, Commissioner Betty Criss, Commissioner Brian Shepherd, Commissioner Brian L. Clites, City Manager Stan Stewart, Assistant City Manager Gus Collins, City Engineer David Wagner, City Clerk Janet L. Arnold, Fire Chief Brad Smith, and City Attorney Mike Coash.

VISITORS

Joni Lynn Stahl	514 W. Pine	El Dorado, Kansas
Kelsey Ann LaForge	7828 SW Haverhill Road	El Dorado, Kansas
Becca Cross	225 Random Road	El Dorado, Kansas
Kenzie Patton	423 N. Oil Hill Road	El Dorado, Kansas
Sean Riley	521 N. Summit	El Dorado, Kansas
Jeanne Evans		El Dorado, Kansas
Frank Weber		El Dorado, Kansas
Bernadette Spradling	106 N. Hillside	El Dorado, Kansas
Sharon and Robert Cross	225 Random Road	El Dorado, Kansas
Don Jordan	515 Hunton	El Dorado, Kansas
Donald Adlesperger	2048 SW 40 th	El Dorado, Kansas
Kristi and Kyle Riley	521 N. Summit	El Dorado, Kansas
Shawna Patton	423 N. Oil Hill Road	El Dorado, Kansas
LaVaughn and Cindy Yordy	120 Woodland	El Dorado, Kansas
Steve Smith	El Dorado Times	El Dorado, Kansas
R. K. Love	1418 Sunset Road	El Dorado, Kansas
Jim Phillips	216 W. Central	El Dorado, Kansas

PLEDGE OF ALLEGIANCE

The following Lincoln Elementary Third Grade Students, along with their teacher Ms Jeanne Evans, appeared before the Governing Body to lead the pledge of allegiance: Becca Cross, Kelsey LaForge, Kenzie Patton, Sean Riley, Joni Stahl, and Frank Weber.

CONSENT AGENDA

- A. Approval of the November 19, 2001 City Commission Minutes.
- B. Approval of the November 28, 2001 Work Session Minutes.
- C. Approval of the Appropriation Ordinance No. 11-01 in the amount of \$1,115,377.60.
- D. Approval of the Engineer’s First Pay Estimate dated November 27, 2001 on Project No. 908C paving and drainage for the El Dorado Business Park to the Contractor, Central Paving, Inc., in the amount of \$236,416.05.
- E. Approval of the Final Payment on Project No. 973, paving the Recycle Center to the Contractor, Central Paving, Inc., in the amount of \$55,860.00.
- F. Approval of the 2002 Cereal Malt Beverage License applications as listed:

Iron Horse Concert Hall, 315 ½ S. Main

Casey's General Store, 1310 N. Main St.
Casey's General Store, 420 W. 6th
Quick Trip West, Inc., 1320 W. Central
American Legion Golf Course, 1801 W. Central
Blue Goose Tavern, 120 E. 4th
Falley's Food 4 Less, 524 N. Main

G. Approval of Resolution No. 2358, a resolution declaring the necessity of condemning certain property for public use.

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

Commissioner Taylor seconded the motion and it carried 5-0.

PERSONAL APPEARANCE AND DECORUM GUIDELINES

City Attorney Coash explained that a guideline for Personal Appearances during public meetings has been in place but not in writing. Mr. Coash also stated that a guideline regarding personal conduct during public meetings is also being considered. The proposed Personal Appearance Guideline formalizes past practices.

Commissioner Clites emphasized that the personal appearance guidelines exist for personal appearances only. Citizens are encouraged to appear and ask questions regarding any agenda item without prior approval by the Governing Body.

Commissioner Taylor moved to approve and accept the Personal Appearance and Decorum Guidelines as set forth.

Commissioner Shepherd seconded the motion and it carried 5-0.

SPECIAL USE AT 120 WOODLAND

City Planning Director Shaunna Johnson appeared before the Governing Body and stated that the Planning Commission reviewed the request for a special use permit for an 1800 sq. ft. building with 16-foot side walls at their October 25, 2001 meeting. The Planning Commission was concerned with allowing 16-foot side walls in a residential district. The Zoning Regulations allow accessory structures to have 12-foot side walls. Ms. Johnson noted that the Planning Commission tabled this request until the applicants could determine whether the 12-foot side walls would be consistent with what they intended for use of the building. The applicant, LaVaughn Yordy, plans to use the building for a shop. The applicant has since confirmed that 12-foot side walls would work and is now only requesting a special use permit for an 1800 square foot building. The Planning Commission held a public hearing on Thursday, November 29, 2001, regarding this special use request and approved the request as presented.

RESOLUTION NO. 2359

Commissioner Clites moved to adopt the recommendation of the Planning Commission and to approve the Special Use Permit to construct an 1800 square foot building at 120 Woodland and that Resolution No. 2359, a resolution setting out the findings of the City of El Dorado in Special Use Case No. 01-012 be adopted.

Commissioner Criss seconded the motion, and it carried 4-1, Commissioner Taylor opposed.

RESOLUTION NO. 2360 - PAVING VILLAGE ROAD – (CENTRAL TO THIRD)

City Engineer David Wagner explained that a petition has been filed for the paving of Village Road from Central Avenue to Third Avenue. The petition was filed for a 41 foot wide street. Based upon the Thoroughfare Plan of the *Comprehensive Plan* adopted by this governing body in January of 2001, Village Road meets the criteria of a collector street. Village Road has a right-of-way width of 70-feet and has an average daily traffic count of more than 1,000 vehicles per day.

RESOLUTION NO. 2360

Commissioner Clites confirmed that the petition was sufficient and that Resolution No. 2360, a resolution of finding as to the advisability and resolution authorizing improvements combined, be adopted.

Commissioner Taylor seconded the motion and it carried 5-0.

PROJECT NOS. 974 AND 975 – 2002 SALES TAX PROGRAM PROJECTS

PROJECT NO. 974

The City Commission established December 3, 2001 as the date for a Public Hearing on Project No. 974, which is proposed to be included in the year 2002 Sales Tax Program Projects. An informational meeting was held on November 27, 2001. Property owners were notified of both meetings. The streets involved are:

FOURTH AVENUE- From the West line of Frazier Street to the West line of High Street.

FRAZIER STREET- From the South line of Fourth Avenue to the South line of Sixth Avenue for a total of four blocks.

PROJECT NO. 975

Project No. 975 does not require a hearing, but is included in this agenda item only for the Commission's approval. All expenses will be funded from Sales Tax Receipts. The street involved is:

THIRD AVENUE _ From the East line of Jones Street to the East line of Orchard Street for a total of three blocks.

PUBLIC HEARING

Mayor Phillips opened the public hearing on the 2002 Sales Tax Street Program.

With no one appearing before the Governing Body, Mayor Phillips declared the public hearing closed.

PROJECT NO. 974 AND PROJECT NO. 975

RESOLUTION NO. 2361 - SETTING OUT FINDINGS AND DETERMINATIONS OF THE GOVERNING BODY – PROJECT NO. 974

Commissioner Taylor moved that Resolution No. 2361 setting out findings and determinations of the paving of Project No. 974, be adopted.

Commissioner Criss seconded the motion and it carried 5-0.

RESOLUTION OF NECESSITY NO. 2362 -PROJECT NO. 974

Commissioner Criss moved that Resolution No. 2362, a resolution authorizing and ordering the paving of Project No. 974, be adopted and that plans and specifications and estimates of cost for Project No. 974 and Project No. 975, be prepared.

Commissioner Clites seconded the motion and it carried 5-0.

REGIONAL HAZ-MAT RESPONDER AGREEMENT

City Fire Chief Brad Smith appeared before the Commission reporting that The State Fire Marshal's office has been given the task of implementing a statewide Haz-Mat response plan. The proposal divides the state into seven Haz-mat response regions and is asking all qualified Fire Departments to make application to their office.

The City of El Dorado is qualified and already has the capability to respond to Haz-Mat situations. This will enable the City to receive state funds (through reimbursement) for equipment, training, and supplies used during a response. The State's liability coverage will also be provided during response.

Commissioner Taylor moved to authorize the City to enter into an agreement with the State Fire Marshal's office for the purpose of becoming a regional Haz-Mat responder.

Commissioner Shepherd seconded the motion and it carried 5-0.

MISCELLANEOUS

WORK SESSION

A work session is scheduled for December 5, 2001 at 11:30 a.m. and December 12, 2001 at 1:00 p.m. Commissioner Clites noted that after the work session on the 12th, there will be a reception for City Manager Stan Stewart. A representative of The Kansas Association of City and County Mangers (KACM) will be available to present Mr. Stewart with the Buford Watson Award for City Manager of the Year.

RIVERVIEW AREA IMPROVEMENTS

City Manager Stewart stated that improvements which would include a fishing pier are scheduled to be made in the Riverview area. The City has received a State Grant for these improvements. Mr. Stewart noted that the long-term goal is to connect this area with the bike path.

CHRISTMAS WITH FRIENDS

The annual Christmas with Friends dinner is scheduled to be held Friday, December 7, 2001.

BRICKLEY – 1ST PHASE OF IMPROVEMENTS

Commissioner Criss reported for the benefit of the listening audience, that Mr. John Brickley has completed his first phase of improvements.

FRAMED RESOLUTION

Mayor Phillips met with Mr. John Carmen, Chairman of the National Funeral Home Directors Association (NFDA), and accepted on behalf of the City of El Dorado, a framed resolution. This resolution was presented to thank the citizens of El Dorado for their support of the NFDA Celebration of Freedom Campaign.

ADJOURNMENT

Janet L. Arnold, City Clerk

Connie Phillips, Mayor