

**EL DORADO CITY COMMISSION MEETING**

**December 6, 2004**

The El Dorado City Commission met in regular session on December 6, 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**

Mark L. Elwood	El Dorado Times	El Dorado, Kansas
Jim Edwards	914 Rim Rock Road	El Dorado, Kansas
David Yearout	1710 Post Court	El Dorado, Kansas
Kurt Bookout	380 E. Central	El Dorado, Kansas
Keith Lawing	REAP –1845 Fairmont	Wichita, Kansas
Willis Heck	REAP – 609 Quail Drive	Newton, Kansas
Lonnie Snook	8719 Brentmoor	Wichita, Kansas
Bill Doan	515W. 13 <sup>th</sup> Street	El Dorado, Kansas
Jerry Urton	207 N. Summit	El Dorado, Kansas
Joe Haag	705 Maplewood	El Dorado, Kansas
Brad Smith	904 Rim Rock Road	El Dorado, Kansas
Monte & E. Kay Finey	1263 Douglas Road	El Dorado, Kansas
Verlee Adam	1426 Edgemoor	El Dorado, Kansas
Faye Wilson	512 W. 12 <sup>th</sup> Street	El Dorado, Kansas
James Cook	719 Fredrick Drive	El Dorado, Kansas
Gene Ehrlich	363 SW Midian Road	El Dorado, Kansas
Jerry Blount	131 Hillside	El Dorado, Kansas
Denice Morris	321 S. Denver	El Dorado, Kansas
Carol Murray		Hutchinson, Kansas
Jack (Laddy) Light	627 Village Road	El Dorado, Kansas
Rick Matticks	8723 NW Kelli	El Dorado, Kansas
Jimmy Fulcher	216 N. Arthur	El Dorado, Kansas
Kylan Riddle	363 SW Midian Road	El Dorado, Kansas
Madison Rodgers	418 N. Ohio	El Dorado, Kansas
Hannah Todroff	1114 S. Topeka	El Dorado, Kansas
Heather Probasco	1207 W. Towanda	El Dorado, Kansas
Dwayna Rodgers	418 N. Ohio	El Dorado, Kansas
Marsha Mawhirter	1010 Douglas Road	El Dorado, Kansas
Ben Shim	1002 Douglas Road	El Dorado, Kansas
William R. Kline	1322 Douglas Road	El Dorado, Kansas
T. Smythe/Baughman Co.	315 Ellis	Wichita, Kansas
Jim Hughes	1731 Candace Lane	El Dorado, Kansas
Lue Asmussen	1013 Douglas Road	El Dorado, Kansas
Carl Andrews	1730 Cottonwood Drive	El Dorado, Kansas

**CALL TO ORDER**

Mayor Connie Phillips called the December 6, 2004, meeting to order.

**PLEDGE OF ALLEGIANCE**

Ms. Worley’s Third Grade Class from Lincoln Elementary School led the Pledge of Allegiance.

**PERSONAL APPEARANCE**

**CITIZEN OF THE MONTH**

Leca Webber, member of the Citizen of the Month Committee, presented the Citizen of the Month award to April Wickwire.

**RECOGNITION TO THE FIRE DEPARTMENT – FIRE SCIENCE PROGRAM**

Jim Edwards of Butler Community College presented certificates of appreciation to Fire Staff Personnel for their work with the residency program for student firefighters. Mr. Edwards also recognized Chief Brad Smith for his support.

**ARTIST IN RESIDENCE**

Denise Morris, 321 S. Denver, introduced artist Carol Murray. She also gave a brief overview of the Artist in Residence Program.

Students in the Artist in Residence program provided a musical presentation.

**CONSENT AGENDA**

- a) Approval of the November 15, 2004, City Commission minutes.
- b) Approval of the November 29, 2004, Work Session minutes.
- c) Approval of Appropriation Ordinance No. 11-04 in the amount of \$1,223,689.37.
- d) Approval of the Engineer's Second Pay Estimate dated November 10, 2004 on Project No. 205-KLINK Resurfacing-Central (Griffith to Bridge) to the Contractor, Kansas Paving, in the amount of \$36,552.15.
- e) Approval of the Engineer's Third Pay Estimate dated November 22, 2004 on Project No. 224-Resurface Gordy (Central to 3<sup>rd</sup>) First & Second (Gordy to Main) & (Main to Vine) to the Contractor, Kansas Paving, in the amount of \$78,508.34.
- f) Approval of the Engineer's Fourth and Final Pay Estimate dated November 19, 2004 on Project No. 218-Paving Potter's Second Addition to the Contractor, Kansas Paving, in the amount of \$2,000.00.
- g) Approval of the Engineer's Second and Final Pay Estimate dated November 19, 2004 on Project No. 235-Paving 5<sup>th</sup> Avenue (Houser to Emporia) to the Contractor, Kansas Paving, in the amount of \$4,583.84.
- h) Approval of the Engineer's Second and Final Pay Estimate dated November 22, 2004 on Project No. 223-2004 Sales Tax-Haverhill Rd (Towanda to Central) to the Contractor, Kansas Paving, in the amount of \$82,077.22.
- i) Approval of the Engineer's Second Pay Estimate dated November 23, 2004 on Project No. 222-2004 Sales Tax Sidewalks (Jones to Haverhill) to the Contractor, Parga Construction, in the amount of \$19,162.21.
- j) Approval of the Engineer's First Pay Estimate dated November 19, 2004 on Project No. 234-Boundless Park at Summit Park to the Contractor, Parga Construction, in the amount of \$4,491.05.

- k) Approval of the 2005 Cereal Malt Beverage license applications as listed:

Pizza Hut, 729 N. Main  
Pizza Hut, 2423 W. Central  
Faley's Food 4 Less, 524 N. Main  
Casey's, 1310 N. Main  
Casey's, 420 W. 6<sup>th</sup>  
Heartland Fuel, 701 N. Main  
Jumpstart, 1631 W. Central  
American Legion, 1801 W. Central  
Iron Horse Concert Hall, 315 ½ S. Main  
Prairie Bowl, Inc., 307 S. Haverhill  
Jalisco's Restaurant, 626 N. Main  
Blue Goose Tavern, 120 E. 4<sup>th</sup>  
Quik Trip Corporation, 1320 W. Central  
Dillons, 700 N. Main

- l) Approval of 2004 Cereal Malt Beverage license application contingent upon the passing of Building and Fire inspections.

Jack's Place, 124 West Locust

Commissioner Shepherd moved that the Consent Agenda including the additional supplemental item, as presented, be approved.

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

**DETERMINE SUFFICIENCY OF PROTEST PETITION PROJECT NO. 256-PAVING DOUGLAS ROAD (Sunset to Towanda)**

Mayor Connie Phillips stated that the City Commission held a Public Hearing and passed a resolution authorizing and ordering the paving of Douglas Road, Sunset to Towanda. A protest petition was filed by residents of the improvement district within the 20-day period as required by State law.

The timeline for this project is as follows:

1. October 5 – Commission set a hearing date by Resolution
2. Published notice of the Hearing twice
3. November 1 – The Commission set out their findings and determinations by resolution
4. November 16- property owners filed a protest petition. (The written protests must be signed by 51% or more of the resident owners of record within the improvement district and the owners of record of more than half of the total area in the benefit district. A resident owner is someone who lives in the City of El Dorado.) City Staff has determined that the protest petition is sufficient. The Commission needs to determine its sufficiency.
5. November 26 - last day to submit a protest petition

Commissioner Shepherd abstained from discussion.

Commissioner Taylor moved that the protest petition on Project No. 256 is sufficient.

Commissioner Clark seconded the motion. Motion carried 4-0-1. (Commissioner Shepherd abstained.)

**RESOLUTION NO. 2480**

Commissioner Taylor moved that Resolution No. 2480, a resolution rescinding Resolution No. 2472, for the paving of Project No. 256, Douglas Road Improvements, be adopted.

Commissioner Clark seconded the motion. Motion carried 4-0-1. (Commissioner Shepherd abstained.)

**SOUTH CENTRAL WATER COALITION AGREEMENT**

Mayor Phillips stated that the Regional Economic Area Partnership (REAP) has proposed the need for the formation of a Water Coalition for South Central Kansas. The Coalition would include city and county governments in the region for the purpose of the study, planning, protection, preservation and development of water sources and related matters.

Willis Heck, Mayor of Newton, Kansas, gave a brief overview of REAP. REAP was formed in 1997. A water study group was appointed and recommended methods of cooperation and coordination of local governments. Recommendations were that a Coalition be formed to:

1. Serve as a regional conduit for members on information and education regarding programs, activities and funding to the various federal, state, regional and local water issues and supply.
2. Serve as a regional voice on behalf of members before federal, state, regional and local agencies.
3. Develop and implement a regional water plan.
4. Organize and coordinate collaborative efforts on regional issues on water supply and water quality.
5. Develop and organize services.

Keith Lawing, Director of REAP, stated the program will make sure that there is local government representation. Funding is needed in order to prepare a work plan.

Commissioner Taylor asked if the City would be expected to provide assistance to any agency or citizen with a water problem.

Mr. Lawing stated that it would not be a requirement. He added that the City could withdraw from the coalition at any time.

Commissioner Taylor asked if the City would receive a refund of financial contributions upon withdrawal.

Mr. Lawing stated that the City could withdraw at any time but would not receive a refund of contributions made.

Commissioner Shepherd stated that he feels the counties should pay more than the cities since the counties do not have a good water source.

**RESOLUTION NO. 2481**

Commissioner Taylor moved that Resolution No. 2481, a resolution authorizing the execution of an interlocal agreement forming the South Central Kansas Water Coalition, be approved.

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

Commissioner Taylor moved that the City of El Dorado's appointee to the Coalition Board of Delegates shall be the Mayor, and the City's alternate delegate shall be the Vice-Mayor, both being members of the City of El Dorado's governing body as required under the terms of the Interlocal Agreement.

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

Commissioner Taylor moved that the City of El Dorado's appointee to the Coalition Board of Directors shall be the Director of Public Utilities, and the City's alternate director shall be the City Manager, both being members of the City of El Dorado's professional and/or administrative-level staff as required under the terms of the Interlocal Agreement.

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

**FINAL PLAT OF "EL DORADO PLAZA ADDITION"**

David Yearout, Interim Planning/Zoning Director, stated that the Planning Commission approved the final plat of "El Dorado Plaza Addition", located on the north side of Central Avenue and the east side of Metcalf. The applicant is Walpert Properties of St. Louis, Missouri.

Mr. Yearout stated that a joint agreement will be made between the two property owners to maintain the open area. All utilities are in place with the exception of sanitary sewers. The plan is to provide a sanitary sewer by running a line along the north side of Central from Lot 1 to the east.

Mayor Phillips stated that action is required from the following options:

1. To approve the final plat, thereby accepting the dedications shown on the plat. This requires a motion to approve and authorize the Mayor to sign the plat.
2. To continue consideration of the final plat to a later date.
3. To reject the plat.

Commissioner Fagg moved that the final plat of "El Dorado Plaza Addition," located north of Central Avenue and east of Metcalf, as recommended by the Planning Commission, be approved, and further authorize the Mayor to sign the plat.

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

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

Mayor Phillips stated that the Commission established December 6, 2004, as the date for a Public Hearing on Project Nos. 212 and 260. A property owner's Informational

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Meeting was held on November 30. The streets to be included in the 2005 street program are as follows:

2005 Sales Tax Projects

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) with alternate bid to include Orchard to El Rico Court.

Project No. 263- Reconstructing additional sections of the intersection of Haverhill Road and Towanda

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

The property owners were notified of their proposed costs, the date established for the Public Hearing and the date of the informational meeting. The bid opening date for these projects will be February 17, 2005, except Project No. 212, which will be July 1, 2005.

Mayor Phillips opened the public hearing.

William Kline, 1322 Douglas, questioned why some streets are being allowed to remain at 31 feet.

Mayor Phillips stated the streets have already been paved to City standards.

Commissioner Shepherd stated that the problem with Summit Street is the amount of right-of-way.

Mayor Phillips closed the public hearing.

Commissioner Fagg questioned how much financing would be provided from the state and from sales tax on Project No. 212.

City Manager Gus Collins stated that sales tax will be \$238,000, state \$153,000, and the benefit district will be approximately \$15,000.

Commissioner Fagg stated that Gordy Street does not look that bad and that he would prefer the dollars be allocated to 6<sup>th</sup> Street.

City Manager Collins stated that it may be possible to include 6<sup>th</sup> Street as an alternate if bids come in low. He stated that they could also use uncommitted sales tax and exceed the \$500,000.

Commissioner Taylor stated that he would prefer to forego Gordy and instead do 6<sup>th</sup> Street rather than use uncommitted sales tax monies.

**RESOLUTION NOS. 2482 AND 2483 AND ORDINANCE NOS. S-1221 AND S-1222**

Commissioner Taylor moved that Resolution No. 2482, and No. 2483, resolutions of findings as to the advisability of the improvements, and that Ordinance No. S- 1221, and S-1222, ordinances authorizing the funding for Project Nos. 212 and 260, respectively, be adopted.

Commissioner Shepherd seconded the motion.

**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	yes
	Mayor Connie Phillips	yes

Commissioner Shepherd moved that the 2005 Sales Tax Street Program fund construction of Project Nos. 212, 225, 253, 260 and 263, and authorize the City Manager to prepare plans and take bids on these projects.

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

**ARMY RESERVE LEASE – AGREEMENT RENEWAL**

Mayor Phillips stated that the City entered into a lease with the local Army Reserve unit for the south half of the Civic Center in 1999. Staff has negotiated a new lease with minimal changes. The new lease will provide for a \$7.00 per square foot price for a total monthly lease payment of \$4,968.25.

City Manager Collins stated that the Army Reserve’s lease expired November 1, 2004. The new lease reflects a 5% increase in the rent payment; otherwise there are no other changes. The term of the lease runs for five years with two years guaranteed. The Reserve unit can continue renting with a twelve-month extension after the initial two years.

Commissioner Fagg stated that he feels the fee increase of less than 1% per year is too low.

Commissioner Clark moved that the five-year lease between the City of El Dorado and the U. S. Army Reserve for the rental of the City-owned building at 120 South Vine, be approved.

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

**CITY MANAGER’S REPORT**

City Manager Collins noted the following:

1. The West Central sidewalk has been completed on the south side. There are sidewalks on the north side which are not yet finished.
2. There was an incident at 12<sup>th</sup> Street & Main. The Wichita Bomb Squad assisted. It was a false alarm.
3. Many good wishes to Fire Chief Brad Smith who is leaving employment with the City. The selection process for his replacement has begun.
4. A new business coming to El Dorado will be announced in the El Dorado Times on December 7<sup>th</sup>.
5. A worksession is scheduled for Tuesday, December 14<sup>th</sup> at 7:00 p.m. in the conference room.

Commissioner Fagg questioned why one resolution includes an increase of 1% per month and another does not (reference agenda item #5 – Project Nos. 212 & 260).

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Commissioner Fagg stated he would like for someone to look at the NE corner of 2<sup>nd</sup> and Taylor.

Commissioner Fagg asked if everyone that is not compliance with backflow requirements has been paying \$10 a month..

City Manager Collins stated that they have been paying.

**ADJOURNMENT**

Commissioner Shepherd moved to adjourn at 9:10 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