

**EL DORADO CITY COMMISSION MEETING MINUTES      December 15, 2003**

The El Dorado City Commission met in regular session on December 15, 2003, at 7:30 p.m. with the following present: Mayor Connie Phillips, Commissioner Mike Fagg, Commissioner Linda Clark, Commissioner Oral Taylor, Commissioner Brian Shepherd, City Manager Stan B. Stewart, Assistant City Manager, Gus Collins, City Clerk/Finance Director Dee Ann Grunder, City Planner Shaunna Johnson, City Engineer Dave Wagner, and City Attorney Mike Coash.

**VISITORS**

Connie Hamilton	314 N. Star	El Dorado, Kansas
Greg and Frankie Smith	111 S. Emporia	El Dorado, Kansas
Mac and Cathy Hicks	424 Oil Hill Road	El Dorado, Kansas
Gene and Joyce Rush	316 Hillcrest	El Dorado, Kansas
Frank E. Wartrick	315 Oil Hill to 200 Oil Hill	El Dorado, Kansas
John Morrell	319 N. Orchard	El Dorado, Kansas
Jackie Vietti	1235 Glenview	El Dorado, Kansas
Troy Morrell	728 Harvard Ave.	El Dorado, Kansas
A.J. Hefel	706 Mockingbird Lane	Derby, Kansas
Bill Thompson	305 Oil Hill Rd	El Dorado, Kansas
Genelda Pickett	405 Oil Hill Rd	El Dorado, Kansas
Sherry Scheuber	415 Oil Hill Rd	El Dorado, Kansas
Jim Miller	345 Oil Hill Rd	El Dorado, Kansas
Drew Hatch	302 Village Rd	El Dorado, Kansas
Judy and Danny George	215 Oil Hill Rd	El Dorado, Kansas
Matt Jacobs	214 S. Washington	El Dorado, Kansas
Brian Jacobs	1418 SW 100 <sup>th</sup> St.	Augusta, Kansas
Pat Hicks	1147 S. Arthur	El Dorado, Kansas

Mayor Connie Phillips called to order the December 15th City Commission meeting. Father Mike Nolan provided the invocation.

**PLEDGE OF ALLEGIANCE**

Ms. Nancy Thoma’s Third Grade Class from Lincoln School led the Pledge of Allegiance.

**PROCLAMATIONS**

Mayor Connie Phillips introduced Dr. Jackie Vietti, 235 Glenview, President of Butler County Community College, who then recognized Troy Morrell, Head Coach of the football team, and thanked the team for their hard work in winning the National Junior College Football Championship.

Coach Troy Morrell, 728 Harvard Avenue, expressed, on behalf of the team, their appreciation to the City for their support.

Commissioner Taylor read the Proclamation proclaiming the members of the team as *Distinguished Citizens* in El Dorado.

**CONSENT AGENDA**

City Clerk Grunder noted that an Ordinance Number needed to be added to the Water Rate Increase. Ordinance Number G-952 was added to item number C on the Consent Agenda.

Commissioner Fagg asked that Agenda Item C be held for further discussion.

**CONSENT AGENDA**

- A. Approval of the December 1, 2003, City Commission minutes.
- B. Approval of the December 10, 2003, Work Session minutes.
- C. Agenda Item C: Ordinance Number G-952 was removed for further discussion. “Consider approval of a \$.02 per hundred cu. ft. increase in the water rates.”
- D. Approval of 2004 Cereal Malt Beverage license applications as listed:
  - 1. The Prime Cut Steakhouse, 1701 West Central
  - 2. Heartland Fuel, 701 North Main
  - 3. Iron Horse Concert Hall, 315 ½ South Main
  - 4. M and M Fuel, 1400 North Main
  - 5. Gail and Helen’s, 2575 West Central

Commissioner Clark moved that Consent Agenda A, B, and D be approved as presented.

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

**CONSENT AGENDA - ITEM C**

Mayor Phillips noted that Agenda Item C is to consider the approval of a two-cent per hundred cu. ft. water rate increase in water rates. Mayor Phillips asked how many times the City had considered a rate increase of this type.

City Manager Stan Stewart noted that it was the sixth or seventh year in a row for this two-cent per 100 cu. ft. increase.

Commissioner Fagg questioned the purpose of the increase.

City Manager Stewart noted that these minimal increases will reduce the need for a major increase for the expansion in the future.

Commissioner Shepherd noted that consideration of future rate increases should be considered as a separate item in the future.

Commissioner Taylor moved that Ordinance G-952 be passed.

Commissioner Shepherd seconded the motion.

**ROLL CALL**

Position No. 1	Commissioner Oral 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

Motion carried 5-0.

**AEROBATIC PLANES – MUNICIPAL AIRPORT**

Anthony Hefel, 706 Mockingbird Lane, Derby, Kansas, stated that he was representing several other individuals requesting an aerobatic practice area be established at the El Dorado Airport. It doesn't restrict use of airspace, but requires notification to the local pilots that aerobatics are being performed in the area. It is not restricted and does not require the airport to close. All pilots will be covered by insurance. A letter from the City would be needed reflecting approval for the aerobatics practices area. Mr. Hefel stated that the application would reflect a one-year waiver. A copy will be provided to each pilot and the responsible person. Mr. Hefel stated that the biggest benefit for having this activity at the airport is that it draws people to the airport.

Assistant City Manager Gus Collins stated that the Airport Advisory Board is in support of this proposal. He stated that our insurance agent indicated there is no problem with allowing this activity at the airport. The Federal Aviation Association waiver would have to be modified if there were any changes (any additional names, etc.). Mr. Collins stated that proof of insurance will be required.

Commissioner Taylor moved that an aerobatics demonstration application to be filed with the FAA, be approved.

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

**PUBLIC HEARING FOR PROJECT NO. 916-PAVING OIL HILL ROAD  
Central to Sixth**

Mayor Phillips stated that one of the City Commission's goals is to have all streets in the City paved to City standards. A policy was adopted in 2002 allowing these procedures within a specific time frame for arterial and collector streets. Oil Hill Road, from Central to Sixth, is scheduled for the year 2004. Tonight the Commission will hold a public hearing, then consider authorizing improvement. Property owners have been notified, by mail, of this meeting to set the Public Hearing (November 17<sup>th</sup>), hold the Public Hearing (tonight), and an informational meeting (held on December 4<sup>th</sup>, at 5:30 p.m. at the Civic Center).

Mayor Phillips noted that if action was taken tonight to initiate this project that there is a statute that allows the property holders or owners along this route to cease this project if this is their desire. There is a twenty-day period of time for a protest petition to be filed. Publication will be held until January 2, 2004. The staff recommends that this project be taken forward as proposed. It does meet the street policy and procedures that the City Commission has adopted.

Mayor Phillips declared the Public Hearing to be open.

James Cox, 525 Oil Hill Road, stated he was not able to attend the Public Informational meeting. Mr. Cox noted that his concern is about the surface water. He noted that he has flooding in the southwest corner due to the inability of the ditches to handle all the surface water. Mr. Cox noted that he was for the project.

Mayor Phillips asked City Engineer Dave Wagner to meet with Mr. Cox.

Mr. Mack Hicks, 424 Oil Hill Road noted he was also concerned about the storm drainage.

**EL DORADO CITY COMMISSION MEETING MINUTES      December 15, 2003**

Mayor Phillips stated that it would be a 41-foot street and the property owners will pay for 31-feet and the City would pay for the additional width.

City Commissioner Taylor had some specific questions on the project.

Commissioner Taylor asked if the transition would begin as you approach 6<sup>th</sup> Street then reduce to a more narrow road and the open areas of drainage would be closed.

Mr. Wagner confirmed.

Commissioner Taylor then questioned the turning lanes at both the north and south end of Oil Hill Road.

Mr. Hicks asked if this street could be changed to a three-lane and if it would be on-street parking at a later date.

Mr. Wagner stated that if the traffic patterns changed then that would be possible and it could include on-street parking.

Commissioner Shepherd asked what the traffic markings would be at the intersection of Third and Oil Hill Road.

Mr. Wagner stated that it would be centerline with a yellow stripe.

James Cox asked if 10-feet was being paid for by the City-at-large. He did not feel that as a property owner he should have to pay for the extra lane.

Bill Thompson, 305 Oil Hill Road, stated that the City-at-large was anyone that lived on Oil Hill Road and he was concerned that he would have to pay more than the stated amount.

Jim Miller, 345 Oil Hill Road, stated that he was told that it would be a 41-foot street all the way. He asked if it was going to be bottlenecked at the "Y". He was concerned about parking issues and bottlenecked traffic running against a narrowing street.

Mr. Wagner stated that it would be 41 foot until 6<sup>th</sup> Avenue then it would be tapered down.

Mr. Frank Wartick, 2310 SW 63<sup>rd</sup> Terrace, with property on 315 Oil Hill Road stated that their concern was the storm water. He was asking about the plans for the storm drainage.

Mr. Wagner was not certain at this time. He stated that some of the storm water would be funneled north at Mr. Hicks' property and then another portion would be turned at Brahms near the car wash. Mr. Wagner stated that there should be a reduced amount of water in the channel during a normal storm.

Judy George, 215 Oil Hill Road, expressed concerns about parking for those with small drives and also about pedestrians walking.

Mike Glendening, 801 Cave Springs, stated that his understanding was that the costs were not firm.

**EL DORADO CITY COMMISSION MEETING MINUTES     December 15, 2003**

Mr. Wagner stated that the assessment for the street is firm, but the drive approach cost can change, depending on the size of drive entrance that the property

owner would request. Mr. Wagner stated that he could give them a comparable cost if they called and told him what they wanted.

Mr. Cox noted a problem with Rush Plumbing draining to his sanitary sewer catch basin.

Mr. Wagner indicated that they had a 2-½ inch force main to that location.

Gene Rush, 316 Hillcrest, noted that both properties have pumps for the sanitary sewer because a new sanitary sewer cannot be located underneath the existing storm sewer.

Jim Miller, 345 Hunton Road, noted that water shoots out of the manhole at the Y.

Mayor Phillips declared the Public Hearing closed.

Commissioner Fagg asked if any drawings were available tying the NW by-pass to Oil Hill Road.

City Manager Stan Stewart indicated that there were no drawings.

Commissioner Fagg stated that property owners have been helping others pay for their streets throughout the City by the City-at-large costs. This is an opportunity for others to help them.

Commissioner Taylor stated that he thought it was important to get arterial streets paved to the City's standards for the purposes of providing access to all parts of the City on a decent roadway. He stated it was important, yet property owners in the Benefit District can petition out if they so desire.

Commissioner Taylor moved that Resolution No. 2444, a resolution setting out findings and determinations of the Governing Body and authorizing and ordering the paving of Project No. 916, be adopted.

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

**PROJECT NO. 235-PAVING FIFTH (HOUSER TO EMPORIA)**

Mayor Phillips stated that the property owners adjacent to this street have filed a petition to pave Fifth Avenue from Houser to Emporia. The majority of the property owners have signed in favor.

Commissioner Shepherd asked if a public hearing was held.

City Engineer Dave Wagner stated that a public hearing was not required since a petition was filed.

Commissioner Fagg moved that the Report of Sufficiency be accepted for Project No. 235 for paving Fifth Avenue from Houser to Emporia, and that Resolution No. 2445, a resolution of finding as to advisability and resolution authorizing improvement combined, be adopted, and further move that the City Manager be instructed to take bids after plans, specifications and estimate of cost are prepared.

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

**SBC FRANCHISE AGREEMENT – ORDINANCE NO. S-1180**

Mark Morris Administrative Intern for the City, stated that the most recent franchise agreement with Southwestern Bell Telephone, L.P., took effect on December 15, 1999, and was effective for one-year and renewable for five one-year periods. Southwestern Bell is a telecommunications local exchange service provider that is providing local exchange service within the City of El Dorado. State law regarding franchise agreements have changed and SBC wishes to renegotiate all franchise agreements. Mr. Morris stated that a percent of gross receipts was more appropriate and recommends five percent of gross receipts and a 5-year term.

City Manager Stewart noted that additional changes in the franchise agreement related to right-of-way.

Bill Bryant, 154 N. Broadway, Wichita, KS (with SBC), stated that the state statute negotiated between League of Municipalities and the telecommunications companies in the state of Kansas define gross receipts. They do not include internet access, broadband, non-regulated, carrier and end user, long distance, wireless telecommunications service and lines providing only data service. Customers of El Dorado are currently paying \$1.07 per access line. Based on April figures under the new agreement it will be 5 percent (\$1.27).

Commissioner Taylor asked if other companies or providers of this utility are paying franchise fees.

City Manager Stewart stated that the city will be pursuing collection from companies not currently paying.

Mr. Bryant stated that he could not share that information, but encouraged cities to pursue it.

Commissioner Shepherd noted that he supports the ordinance, but wants everyone to be treated equally and feels only a portion of the city residents are paying.

Commissioner Clark moved that Ordinance No. S-1180, an ordinance granting a telecommunications franchise contract to Southwestern Bell Telephone, L.P., be approved.

Commissioner Taylor seconded the motion.

**ROLL CALL**

Position No. 1	Commissioner Oral 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

Motion carried 5-0.

**PROJECT NOS. 217-SANITARY SEWERS AND 218-PAVING POTTER'S SECOND ADDITION**

Mayor Phillips stated that the City Commission directed that bids on this project were taken and the low bid was below the Engineers Estimate.

**EL DORADO CITY COMMISSION MEETING MINUTES      December 15, 2003**

Commissioner Fagg asked if this was paid for by City-at-large or property owners.

Mr. Wagner stated that sewer district was paid by property owners and some storm sewer and intersection paving was paid by the City-at-large.

**RECEIVING THE BIDS**

Mayor Phillips asked that the bids be spread on the record.

Commissioner Shepherd moved that Ordinance No. S-1181, “an ordinance authorizing the issuance of bonds of the City of El Dorado, Kansas, in an amount not to exceed \$55,000 and \$130,000 in payment of the cost or a part of the cost of Project Nos. 217 and 218 respectively, and providing for the issuance of temporary notes pending the issuance of such bond,” be approved.

Commissioner Clark seconded the motion.

**ROLL CALL**

Position No. 1	Commissioner Oral 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

Motion carried 5-0.

**AWARDING THE CONTRACT**

Commissioner Shepherd moved that as Kansas Paving has submitted the lowest and best combined bid for Project Nos. 217 and 218 and since their bid of \$133,870.30 was below the Engineer’s Estimate, the City Manager be directed to award the contract to said Contractor for the construction of said project providing that the company furnishes the proper Bonds.

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

**SPECIAL USE PERMIT AT 302 VILLAGE ROAD**

City Planner Shaunna Johnson noted that the Planning Commission reviewed a request for a special use permit at 302 Village Road to build a 1225 square foot garage. The applicant is Drew Hatch.

Ms. Johnson noted that there was one requirement - if Norris Drive improved, that the portion between his garage and Norris Drive would be improved at that time.

Commissioner Taylor asked how future employees and community would know this.

Ms. Johnson stated that the requirements could be filed at the Register of Deeds to put future owners on notice.

Commissioner Taylor moved that the recommendation of the Planning Commission to approve the Special Use Permit be accepted and the Resolution No. 2446 be approved.

**EL DORADO CITY COMMISSION MEETING MINUTES     December 15, 2003**

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

**SPECIAL USE PERMIT AT 111 ½ SOUTH EMPORIA**

City Planner Shaunna Johnson stated that the Planning commission reviewed a request for a special use permit for a nail salon to be located at 111 ½ South Emporia. The applicant is Frankie Smith. Frankie will be the only employee. She will not be able to display signs. She noted that 51% of her business would be to the elderly and disabled at their homes.

Commissioner Taylor noted that some property owners were concerned.

City Engineer Dave Wagner stated that the concern was that the use would not stay the same and turn into a beauty salon.

Jim Miller, 345 Hunton Road, asked if the additional stipulation were transferable or expandable.

Ms. Johnson stated that the requirements were that it would be non-transferable and never expandable.

Commissioner Shepherd moved that the recommendation of the Planning Commission to approve the Special Use Permit be accepted and that Resolution No. 2447 be approved.

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

**SEWER RATE INCREASE-ORDINANCE NO. G-953**

Mayor Phillips noted that the beginning of construction of a wastewater treatment plant is planned for late 2004. The wastewater rates need be adjusted to have adequate funds to repay the anticipated debt. The proposed increase is a step in the process to set the rates at the acceptable level.

City Manager Stan Stewart noted that there had been 2 rate increases prior to this.

Mayor Phillips stated that the rate increases would be phased in smaller increments so it would not be such a big hit at one time.

Commissioner Fagg asked how much was saved as a result of the other rate increases.

Assistant City Manager anticipated the amount would be approximately \$250,000.00.

Commissioner Fagg asked if it went to a separate account.

Assistant City Manager stated that it would be transferred to the project.

Commissioner Taylor moved that the Ordinance No. G-953, an ordinance amending the El Dorado Municipal Code Section 13.20.04(C) relating to rates charged for users of the City Wastewater Collection System, be approved.

Commissioner Shepherd seconded the motion.

Commissioner Fagg asked if the cost of expansion increased.

**EL DORADO CITY COMMISSION MEETING MINUTES      December 15, 2003**

City Manager Stan Stewart noted that the estimated cost was two years old so the project estimate needed to be increased.

Assistant City Manager Gus Collins noted that the land has changed the estimate.

**ROLL CALL**

Position No. 1	Commissioner Oral 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

Motion carried 5-0.

**YEAR-END REPORT**

City Manager Stan Stewart stated that a motion had been overlooked. Usually a year-end meeting is held on December 31<sup>st</sup> to replace the first January meeting.

Commissioner Clark moved that a meeting be held on December 31<sup>st</sup> to replace the first meeting in January.

Mayor Phillips seconded the motion. Motion carried 5-0.

**CITY MANAGER'S REPORT**

No Work Session is anticipated due to the holidays.

The December 31<sup>st</sup> meeting will be held in the conference room – after that, the Commission meetings will be held in the Police building. It will be audio only.

Dave Clymer's passing was noted.

The theater will have a party on January 15, 2004, and the ribbon cutting on the 16<sup>th</sup>. Tickets are being sold now with a percentage going to the "Strong Kids Companion" at the YMCA.

The Chamber Economic Director/Main Street Executive Director is down to 2 candidates. There will be an opportunity for the public to meet the candidates Wednesday, December 17, 2004, from 4:30 to 5:30 p.m.

City Hall will be closed Friday after Christmas.

Mr. Stewart noted that the City's water tests to determine if standards are being met are submitted to the State. If the results are not within certain guidelines, then the City must publish a notice in the paper. Some tests have come back outside the guidelines, but the City believes that the state's tests were inaccurate, so we have started sending the tests to another lab. A notice will be put in the newspaper, but we want to stress that the public should not be concerned.

**COMMISSIONER'S COMMENTS**

Commissioner Clark noted that the City staff should be commended for the snow removal.

**EL DORADO CITY COMMISSION MEETING MINUTES      December 15, 2003**

Commissioner Fagg asked about the pipe in the Business Park.

Dave Wagner noted that it was for the Water Department to extend a water line to the business on the other side.

Commissioner Fagg asked when the bond rate is locked in on a project.

Mr. Collins stated when the temporary financing is transferred to long-term financing.

**ADJOURNMENT**

Mayor Phillips adjourned the meeting at 10:05 p.m.

---

City Clerk Dee Anne Grunder

---

Mayor Connie Phillips