

EL DORADO CITY COMMISSION MEETING

December 15, 2008

The El Dorado City Commission met in regular session on December 15, 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
Brad Meyer	220 E. 1 st	El Dorado, Kansas
Linda Jolly	2100 Pico Ct	El Dorado, Kansas
Steve Funk	1810 Lawndale	El Dorado, Kansas
Bruce Harris	4843 SW Country Ln	El Dorado, Kansas
Richard Edds	1815 Quai Run	El Dorado, Kansas
Matt Rehder	220 E. 1 st	El Dorado, Kansas
Kyle McLaren	220 E. 1 st	El Dorado, Kansas
Tom Murry	1650 Jason Dr	El Dorado, Kansas
Diane Solorio	248 Warren Rd	El Dorado, Kansas
Kristy Poe	313 N. Emporia	El Dorado, Kansas
Cameron Perry	1509 SW Highway 77	El Dorado, Kansas
Daniel McCoy	520 W. 4 th Ave	El Dorado, Kansas
Julian Requena	814 Railroad	El Dorado, Kansas

CALL TO ORDER

Mayor Tom McKibban called the December 15, 2008 City Commission meeting to order.

INVOCATION

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

PLEDGE OF ALLEGIANCE

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

PERSONAL APPEARANCE

Linda Jolly and Steve Funk gave an update of the 2008 accomplishments for El Dorado Inc. and Convention and Visitors Bureau.

Diane Solorio, Senior Center Director, gave an update on the recent changes at the Senior Center and invited everyone to their Open House on December 19th from 4:00 pm to 6:00 pm.

Tom Murry, Stadium Committee representative, gave an overview of the future stadium site. The committee is anticipating a possible recommendation in thirty days.

PUBLIC COMMENTS

Mayor Tom McKibban opened the floor for public comments.

With on one appearing, Mayor McKibban closed the public comment session.

CONSENT AGENDA

- a. Consider approval of the December 1, 2008, City Commission minutes.
- c. Consider approval of 2009 Cereal Malt Beverage license applications as listed:
 - Jax's Place, 124 West Locust
 - Dillon's, 700 North Main
 - 24K, dba Jumpstart, 1631 West Central
 - American Legion Golf Course, 1801 North Central
 - Blue Goose Tavern, 120 East 4th
 - Casey's, 420 West 6th
 - Casey's, 1310 North Main
 - Pizza Hut, 729 North Main
 - Pizza Hut, 2423 West Central
 - Prairie Bowl, Inc, 307 West Haverhill
 - Iron Horse Concert Hall, 315 South Main
 - Wal-Mart Super Center #186, 301 Village Rd.
 - QuikTrip #310, 1320 West Central

Consensus of the Commissioners was to remove items b, d and e.

Commissioner Steve Reynolds moved that the Consent Agenda, as amended, be approved.

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

RECEIVE THE PETITION FOR PROJECT NO. 323 - LANDSCAPE WALL AT 1910 N. MAIN

Assistant City Engineer Scott Rickard stated that the property owner at 1910 North Main has requested a landscape wall to be located in the public utility easement.

City Clerk Kendra Porter reported that the petition for the construction projects, signed by the resident owner of record of property liable for assessment, is sufficient for Project No. 323.

RESOLUTION NO. 2624

Commissioner Steve Reynolds moved that Resolution No. 2624, a resolution determining the advisability of the making of certain internal improvements in the City of El Dorado; making certain findings with respect thereto; and authorizing and providing for the making of the improvements in accordance with such findings (1910 North Main wall improvements/Project No. 323), be approved.

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

SPECIAL USE PERMIT TO ALLOW A GROUND SIGN ON PROPERTY LOCATED AT 101 S. STAR. THE PROPERTY IS ZONED O-I BUSINESS-OFFICE-INSTITUTIONAL DISTRICT. (CASE NO. 08-016-SUP)

Assistant to the City Manager Matt Rehder stated that the applicant, TriMark Signworks, Wichita, is requesting a Special Use Permit to allow a ground sign at 101 South Star. The Special Use Permit is required because the sign is proposed to be located four

feet from the north property line. The regulations require a ten-foot setback from all property lines in areas zoned O-I. A Special Use Permit is required for decreased setbacks.

At the November 20, 2008 Planning Commission meeting, after review of the facts in the case and the information submitted at the public hearing, the Planning Commission recommended approval of the Special Use Permit by a vote of 6-0 with one abstention.

ORDINANCE NO. G-1054

Commissioner Linda Clark moved that the recommendation of the Planning Commission to approve Case No. 08-016-SUP requesting a Special Use Permit to allow a ground sign on property located at 101 South Star be accepted and that Ordinance No. G-1054, be approved.

Commissioner David Chapin seconded the motion.

ROLL CALL

Position No. 1	Commissioner Steve Reynolds	Yes
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

SPECIAL USE PERMIT TO ALLOW A DAY CARE CENTER ON PROPERTY LOCATED AT 521 N. STAR. THE PROPERTY IS ZONED R-1 RESIDENTIAL-LOW DENSITY DISTRICT. (CASE NO. 08-014-SUP)

Assistant to the City Manager Matt Rehder stated the applicant, DeAnna Bromlow, is requesting a Special Use Permit to allow a Day Care Center at 521 North Star. The property is zoned R-1, Residential-Low Density District. If additional employees are employed, additional parking will be required.

At the November 20, 2008 Planning Commission meeting, after review of the facts in the case and the information submitted at the public hearing, the Planning Commission recommended approval of the Special Use Permit for the establishment of the Day Care Center by a vote of 7 to 0.

ORDINANCE NO. G-1055

Commissioner Linda Clark moved that the recommendation of the Planning Commission to approve Case No. 08-014-SUP requesting a Special Use Permit to allow the establishment of a Day Care Center on property located at 521 North Star be accepted and that Ordinance No. G-1055, be approved.

Commissioner Steve Pershall seconded the motion.

ROLL CALL

	Mayor Tom McKibban	Yes
Position No. 1	Commissioner Steve Reynolds	Yes
Position No. 2	Commissioner Linda Clark	Yes
Position No. 3	Commissioner Steve Pershall	Yes
Position No. 4	Commissioner David Chapin	Yes

SPECIAL USE PERMIT TO ALLOW A DAY CARE CENTER ON PROPERTY LOCATED AT 2833 W. 4TH. THE PROPERTY IS ZONED R-1 RESIDENTIAL-LOW DENSITY DISTRICT. (CASE NO. 08-015-SUP)

Assistant to the City Manager Matt Rehder stated the applicant, Marie Jones, is requesting a Special Use Permit to allow a Day Care Center at 2833 West 4th. The property is zoned R-1, Residential-Low Density District.

At the November 20, 2008 Planning Commission meeting, after review of the facts in the case and the information submitted at the public hearing, the Planning Commission recommended approval of the Special Use Permit for the establishment of the Day Care Center by a vote of 7 to 0.

ORDINANCE NO. G-1056

Commissioner Steve Pershall moved that the recommendation of the Planning Commission to approve Case No. 08-015-SUP requesting a Special Use Permit to allow the establishment of a Day Care Center on property located at 2833 West 4th be accepted and that Ordinance No. G-1056, be approved.

Commissioner Linda Clark seconded the motion.

ROLL CALL

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
Position No. 3	Commissioner Steve Pershall	Yes

BOUNDARY RESOLUTION

Assistant City Engineer Scott Rickard stated that in any year the City annexes land, the Commission must pass an ordinance redefining the City Boundary. The following resolution incorporates the changes that resulted from the annexation.

RESOLUTION NO. 2625

Commissioner David Chapin moved that Resolution No. 2625, a resolution redefining the boundary limits of the city of El Dorado, Kansas, be approved.

Commissioner Steve Pershall seconded the motion.

Motion carried 5-0.

AMENDING AUTHORIZING ORDINANCE PROJECT NO. 254-N. MAIN BRIDGE

Assistant City Engineer Scott Rickard stated that there will be additional costs for Project No. 254 (North Main Bridge). The previous authorizing ordinance, Ordinance No S-1285, needs to be amended to reflect the additional costs. The amount requested for City-at-Large costs is \$2,250,000 (\$153,000 Sales Tax / \$2,097,000 General Obligation).

Commissioner David Chapin inquired on the additional expenses.

Assistant City Engineer Rickard stated that the additional expenses were due to financing costs.

City Manager Herb Llewellyn stated that the additional financing costs are partially due to KDOT’s requirements to pay a portion in advance.

Mayor Tom McKibban inquired if the contractor is still in the penalty phase.

Assistant City Engineer Rickard stated the contractor is still in the penalty phase until both southbound lanes are open. Once they start working in the spring, the penalty will begin again.

Commissioner Chapin stated his concerns with the length of time both major construction projects took to complete.

City Manager Llewellyn stated that the City would consider managing projects and offering a bonus if they complete early. However, these were KDOT projects and do not allow much flexibility.

ORDINANCE NO. S-1301

Commissioner Linda Clark moved that Ordinance No. S-1301, an ordinance to amend Ordinance No. S-1285, authorizing the issuance of bonds in the amount not to exceed \$2,097,000 in payment of the cost of said Project No. 254 – North Main Bridge Rehabilitation, 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

CITY COMMISSION MEETING DATE CHANGE

Mayor Tom McKibban stated that the first meeting in January 2009 is scheduled for January 5, 2009. Historically, this meeting has been canceled.

City Manager Herb Llewellyn requested authorization to issue checks in January. Consensus of the Commission was to authorize the release of January checks and staff would email the appropriation ordinance for their review.

Commissioner Linda Clark moved to cancel the City Commission meeting on Monday, January 5, 2009.

Commissioner Steve Reynolds seconded the motion.

Motion carried 5-0.

2007 AND 2008 MISCELLANEOUS BILLING WRITE-OFFS

City Manager Herb Llewellyn stated that delinquent accounts owed to the City of El Dorado need to be considered to be deemed uncollectible and removed from the accounts receivable records of the City, and a list delineating each amount should be attached to the minutes of this meeting. The total miscellaneous billing amount to be removed is \$9,980.35.

Commissioner Steve Pershall moved to deem uncollectible the miscellaneous billing accounts in the amount of \$9,980.35 owed to the City of El Dorado, to remove same from the accounts receivable records of the City, and that a list delineating each account be attached to the minutes of this meeting.

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

2009 PROPOSED SALARY SCHEDULE

City Manager Herb Llewellyn stated that each year at this time, there is a resolution to establish the compensation and designation of various positions within the City of El Dorado. This year's schedule provides for an adjustment to the salary schedule/range as the Commission approved a three percent (3%) COLA during the 2009 budget process. The results of the salary survey have also been incorporated.

RESOLUTION NO. 2626

Commissioner Linda Clark moved that Resolution No. 2626, a resolution establishing 2009 salaries and wages paid to various employees of the City of El Dorado, and to allocate the various funds of said City, charges and debits for the payment of compensation of wages of all City officials and employees, be adopted.

Commissioner David Chapin seconded the motion.

Motion carried 5-0.

2008 BUDGET AMENDMENTS – INDUSTRIAL MILL LEVY FUND

City Manager Herb Llewellyn stated that the purchase and subsequent sale of land for an economic development purpose has caused expenditures to exceed the amount initially budgeted in the Industrial Mill Levy fund. A budget amendment is therefore necessary to increase the authorized expenditures.

PUBLIC HEARING

Mayor Tom McKibban opened the public hearing.

With on one appearing, Mayor Tom McKibban closed the public hearing.

Commissioner David Chapin moved to approve the amendment to the 2008 Operating Budget in the Industrial Mill Levy fund as published and presented.

Commissioner Steve Pershall seconded the motion.

Motion carried 5-0.

FRANCHISE FEE AGREEMENT – AT&T

City Manager Herb Llewellyn stated that Southwestern Bell (d/b/a AT&T) is a telecommunications local exchange service provider that is providing local exchange service within the City of El Dorado. The most recent franchise agreement with Southwestern Bell Telephone, L.P., took effect on January 1, 2004 and the terms of that contract require a new contract be signed. Southwestern Bell would like to have the new contract effective for an initial two-year period with automatic one-year renewal periods.

**EL DORADO CITY COMMISSION MEETING
ORDINANCE NO. G-1057**

December 15, 2008

Commissioner Linda Clark moved that Ordinance No. G-1057, a contract franchise ordinance granted to Southwestern Bell, L.P., a telecommunications local exchange service provider providing local exchange service within the City of El Dorado, Kansas, be approved.

Commissioner Steve Reynolds 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

TITLE 15 AMENDING ORDINANCES

Building Inspector Kyle McLaren stated that the following ordinances are to amend various sections of Title 15 - Buildings and Construction of the City of El Dorado Municipal Code. Chapter 15.03 was amended to place all regulations dealing with license requirements into one chapter of our Municipal Code. Chapters 15.28 and 15.32 were amended for clarification and to streamline our Municipal Code; placing these chapters into the same format as 15.20 Electrical. Chapter 15.28 also puts into law the effective date of January 1, 2010, for mechanical regulations. Chapter 15.20 was amended to adopt the 2008 National Electrical Code with a few local amendments.

ORDINANCE NO. G-1058

Commissioner Linda Clark moved that Ordinance No. G-1058, an ordinance of the City of El Dorado adopting various amendments to Chapter 15.03 Contractors' Licenses of the City of El Dorado Municipal Code, be approved.

Commissioner Steve Pershall seconded the motion.

ROLL CALL

Position No. 1	Commissioner Steve Reynolds	Yes
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

ORDINANCE NO. G.-1059

Commissioner Steve Pershall moved that Ordinance No. G-1059, an ordinance of the City of El Dorado adopting various amendments to Chapter 15.28 Mechanical Code of the City Of El Dorado Municipal Code, be approved.

Commissioner Linda Clark seconded the motion.

ROLL CALL

	Mayor Tom McKibban	Yes
Position No. 1	Commissioner Steve Reynolds	Yes
Position No. 2	Commissioner Linda Clark	Yes
Position No. 3	Commissioner Steve Pershall	Yes
Position No. 4	Commissioner David Chapin	Yes

ORDINANCE NO. G-1060

Commissioner David Chapin moved that Ordinance No. G-1060, an ordinance of the City of El Dorado adopting the 2008 Edition of the National Electrical Code and other amendments to Chapter 15.20 Electrical Code of the City of El Dorado Municipal Code, be approved.

Commissioner Steve Pershall seconded the motion.

ROLL CALL

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
Position No. 3	Commissioner Steve Pershall	Yes

ORDINANCE NO. G-1061

Commissioner Steve Pershall moved that Ordinance No. G-1061, an ordinance of the City of El Dorado adopting various amendments to Chapter 15.32 Plumbing and Gas Fitting Code of the City of El Dorado Municipal Code, 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

NEW BUSINESS – DISCUSSION ITEMS

Mayor Tom McKibban opened the floor for Commissioners’ comments.

Commissioner David Chapin thanked the City employees for a wonderful Christmas party and wished everyone a Merry Christmas.

Commissioner Steve Pershall commended Troy Morrell for the Grizzlies victory and what a great representation the Grizzlies are for our community.

Commissioner Linda Clark inquired on the City’s sanding procedure during the last snow storm.

Assistant Public Works Director Brad Meyer stated that the streets were not pretreated prior to the storm because the forecast indicated rain and the City does not plow until we have received 2 inches of snow.

Commissioner Steve Reynolds inquired on the provisions for citizens without heat during this time of the year.

City Manager Herb Llewellyn indicated that the State has regulations that Kansas Gas Service must follow.

Mayor Tom McKibban thanked employees for a great year.

Mayor McKibban complimented the Grizzly players as well as Crystal Blue on becoming All-American volleyball player. He also complimented Ethan Hill's heroic act in a recent fire.

Mayor Tom McKibban closed the Commissioners' comments.

CITY MANAGER'S REPORT

City Manager Herb Llewellyn stated that the next City Commission meeting will be on January 20th since City Hall is closed to observe Martin Luther King Day.

City Manager Llewellyn stated that there will be a Work Session on January 14, 2009 with the County to discuss recycling efforts.

Assistant to the City Manager Matt Rehder gave an update on the Comprehensive Plan changes. The steering committee will meet on January 9, 2009 and further updates should be presented to the City Commission in January.

Assistant to the City Manager Rehder stated that there will be an open house on January 21, 2009, 6:00 pm to 9:00 pm at the Civic Center and encouraged the public to attend.

Assistant Public Works Director Brad Meyer updated the Commission regarding a pilot plan using poly carts versus bags to dispose of refuse.

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 and legal issues.

Commissioner Steve Reynolds 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 legal issues, and to reconvene the regularly scheduled meeting in the City Commission room at 10:00 pm.

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

Mayor Tom McKibban reconvened the meeting at 10:00 pm.

Commissioner Steve Reynolds moved to return to Executive Session until 10:30 p.m.

Commissioner Linda Clark seconded the motion.

Motion carried 4-0. (Commissioner Steve Pershall remained in the conference room)

Mayor Tom McKibban reconvened the meeting at 10:34 pm.

ADJOURNMENT

Commissioner David Chapin moved to adjourn the meeting at 10:34 pm.

Commissioner Steve Reynolds seconded the motion.

Motion carried 5-0.

City Clerk Kendra Porter

Mayor Tom McKibban