

**EL DORADO CITY COMMISSION MEETING****December 18, 2006**

The El Dorado City Commission met in regular session on December 18, 2006, at 7:00 p.m. in the Commission Room with the following present: Mayor Brian D. Shepherd, Commissioner Linda Clark, Commissioner Michael A. Fagg, Commissioner Steve Pershall, Commissioner Steve Reynolds, City Manager Herbert E. Llewellyn Jr., Finance Director Dee Anne Grunder, and Field Engineer Scott Rickard. Absent: City Clerk Kendra Porter

**VISITORS**

Jeff Jones	1418 Finney	El Dorado, Kansas
Joey Jones	1418 Finney	El Dorado, Kansas
H.J. & Paula Provo	416 S. Denver	El Dorado, Kansas
Riley Provo	416 S. Denver	El Dorado, Kansas
Savanna Sawyer	113 E. Locust	El Dorado, Kansas
Kenzie Watson	115 S Orchard	El Dorado, Kansas
Jared & Amber Watson	115 S. Orchard	El Dorado, Kansas
Mallissa Redmer	719 S. Star, Apt. D	El Dorado, Kansas
Syrina Redmer	719 S. Star, Apt. D	El Dorado, Kansas
Trisha Powell		
Bill Kloeblen	1770 Country Club Road	El Dorado, Kansas
Amboo Ploy	126 Poplar	El Dorado, Kansas
Rebecca Bidwell	123 Residence	El Dorado, Kansas
Martha Riedl	2685 SE 60 <sup>th</sup>	Leon, Kansas
Kay Riedl	2685 SE 60 <sup>th</sup>	Leon, Kansas
Dan Bullock	1345 Kala Court	El Dorado, Kansas
Heath Pressnell	Christian Motorcycle Association	
Richard Pressnell	Christian Motorcycle Association	
Larry Adams	1756 W. Third	El Dorado, Kansas
Linda Baines	253 Post Road	El Dorado, Kansas
Wade & Sharon Wilkinson	1016 S. Denver	El Dorado, Kansas
Matt Rehder	220 E. First	El Dorado, Kansas
Todd Peterson	1830 Kendrick Lane	El Dorado, Kansas
Stacia Boden	8301 E. 21 <sup>st</sup> St. North	Wichita, Kansas
Don Adlesperger	1285 S. Topeka	El Dorado, Kansas
Linda Jolly	2100 Pico Court	El Dorado, Kansas
Brooks Buchner	220 S. Topeka	El Dorado, Kansas
James Cook	719 Fredrick Drive	El Dorado, Kansas
Lukas Long	121 Jones	El Dorado, Kansas
Andrew Wagner	1025 Rimrock Road	El Dorado, Kansas
David & Nancy Wagner	1025 Rimrock Road	El Dorado, Kansas
Spencer, Doug and Julie Jensen	1705 Post Court	El Dorado, Kansas
Jesus Carrasco	216 N. Star	El Dorado, Kansas
Ron Koppenhaver	907 McCollum Road	El Dorado, Kansas
Kelly Nuckolls	1107 McCollum Road	El Dorado, Kansas
Stephanie Lowmaster	857 NW 90 <sup>th</sup>	El Dorado, Kansas
Laura Nightengale	1206 Davis Court	El Dorado, Kansas
Robert Morton	1950 Arlington	El Dorado, Kansas
Larry Watson	140 Residence	El Dorado, Kansas
Vince Haines	300 N. Star	El Dorado, Kansas

**CALL TO ORDER**

Mayor Brian D. Shepherd called the December 18, 2006, City Commission meeting to order.

**INVOCATION**

The Reverend Heath Pressnell, Christian Motorcycle Association, opened the meeting with prayer.

**PLEDGE OF ALLEGIANCE**

Ms. Lee's Third Grade Class from Washington Elementary School led the Pledge of Allegiance.

**PERSONAL APPEARANCE**

Ms. Linda Baines, Main Street President, stated her gratefulness for the Commission's assistance during the past year. She is ending her two-year service as President for the Main Street organization. She gave the City Commission an update regarding Main Street activities and new members.

Ms. Linda Jolly, Community Development Executive Director, stated her first issue regarded the property tax rebate for Valmont Industries. She requested a public hearing date be set through a special City Commission meeting for this issue.

Commissioner Michael Fagg requested information from Finance Director Dee Anne Grunder regarding the requested amounts of tax rebate and the tax years being impacted.

City Manager Herb Llewellyn requested the public hearing be set for a meeting during the daytime hours.

Ms. Jolly requested the Commission's approval to vary from recent negotiations with a company regarding building their office space as an add-on building versus putting the office space within the current footprint of the building.

The City Commission stated their approval for the change in building the office space.

**PROCLAMATIONS**

Mayor Brian Shepherd read the proclamation congratulating the El Dorado High School Boys Cross Country Team for their recent wins.

Mayor Shepherd then read the proclamation congratulating the El Dorado High School Girls Cross Country Team for their recent wins.

**CONSENT AGENDA**

- a) Approval of the December 4, 2006, City Commission minutes.
- b) Approval of the December 11, 2006, Special City Commission minutes.
- c) Approval of the Engineer's Tenth & Final Pay Estimate dated December 12, 2006 on Project No. 947, Pedestrian/Bicycle Facilities to the contractor, Cornejo & Sons, in the amount of \$70,944.19.

- d) Approval of 2007 Cereal Malt Beverage license applications as listed:  
American Legion, 1801 W. Central  
Gail & Helens, 2575 W. Central  
Good Price Cigarettes, 200 E. Central

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

Commissioner Steve Pershall seconded the motion.

Motion carried 5-0.

**NO PARKING SIGNS 100 BLOCK NORTH RESIDENCE -DISCUSSION**

Mayor Brian Shepherd stated that at the September 18, 2006, City Commission meeting, there was discussion and a motion regarding placing no parking signs on the East side of the 100 block of North Residence.

Field Engineer Scott Rickard stated his department completed a traffic count and reviewed the previous four years of accidents in this area.

Commissioner Steve Pershall questioned the width of the street and the ability to handle parking on both sides of the street.

Field Engineer Rickard stated the width of the street was 31 feet, the same width as ninety-five percent of the streets in town. If vehicles would negotiate the street slowly with cars parked on both sides, the width would not be a problem. However, if the vehicles did not slow down, traffic could not pass easily.

Discussion ensued regarding peak traffic times into the local business.

Rebecca Bidwell, 123 North Residence, stated her concerns with the increased traffic and speeds since the no parking signs were installed. She requested discussion regarding using different traffic signs, such as yield signs.

Discussion ensued.

Commissioner Linda Clark moved to have the No Parking signs on the east side of the 100 block of North Residence removed.

Commissioner Steve Pershall seconded the motion.

Mayor Shepherd stated there was another citizen wishing to address the Commission.

Larry Watson, 140 North Residence, stated his concerns with the traffic turning onto North Residence and the traffic congestion resulting from the two businesses at that corner. He also stated he has noticed an improvement, but would like the Commissioners to continue this issue for an extended amount of time. He stated his preference was to block the commercial portion of the street from the residential portion of the street.

Mayor Shepherd called for further discussion from the Commission. Discussion ensued regarding extending the time the no parking signs will remain.

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Motion failed 2-3. Mayor Brian Shepherd and Commissioners Michael Fagg and Steve Reynolds opposed.

Commissioner Michael Fagg moved to extend the no-parking signs on the 100 block of North Residence for another 90 days.

Commissioner Steve Reynolds seconded the motion.

Motion carried 3-2.

**SIXTH AND MAIN GEOMETRIC IMPROVEMENT**

Field Engineer Scott Rickard stated that El Dorado's proposed FY 2010 Geometric Improvement project for intersection improvement of US-77 and Sixth Avenue has been tentatively selected by the Highway Advisory Commission, subject to the following provisions and the Secretary's approval.

Field Engineer Rickard also stated that the project was submitted with a cost estimate of \$1,605,000. KDOT is prepared to participate in 50% of construction and construction engineering costs up to a maximum \$800,000. The City would be responsible for the remaining costs over the \$800,000 maximum and 100% of any preliminary engineering, right of way and utility costs. A response to KDOT does not obligate participation at this time.

Discussion ensued regarding the need and benefit of this project.

Commissioner Linda Clark moved to authorize the City Manager to indicate a continued interest to KDOT in the Sixth and Main Geometric Improvement Project.

Commissioner Steve Reynolds seconded the motion.

Motion carried 5-0.

**SUB-DIVISION MORATORIUM – PUBLIC HEARING**

Mayor Brian Shepherd stated at the June 5, 2006, City Commission meeting, the City Commission approved a moratorium for a period of 180 days on processing applications for plat approvals. At the most recent City Commission meeting, the City Commission approved this meeting date for a public hearing.

Mayor Shepherd also stated the last day of the 180-day moratorium is January 2, 2007. The resolution will provide an extension of the moratorium.

**PUBLIC HEARING**

Mayor Brian Shepherd opened the public hearing.

Don Adlesperger, 1285 South Topeka, stated his opinion of extending the moratorium due to not having any decisions made at this time. He also requested the Commission to allow input from citizens.

Mayor Shepherd then read the resolution into the minutes.

Commissioner Steve Reynolds stated his frustration that no action has been taken at this point. He suggested this issue go back to the Planning Commission.

Discussion ensued regarding extending the moratorium for a shorter period of time and monthly reports to the City Commission.

Dan Bullock, 1345 Kayla Court, stated his concerns regarding the lack of encouragement from the City for economic development within the City.

Discussion ensued regarding the necessity for the moratorium.

Don Adlesperger, 1285 South Topeka, requested an open meeting be conducted with a third-party to moderate for a citizen consensus.

Vince Haines, 300 North Star, stated his opinion that a Comprehensive Plan update guided by a third party consultant with experience is the best method for moving forward. The moratorium sends the wrong message.

Linda Jolly, 2100 Pico Court, stated her concerns of not including professional assistance for the Planning Commission. She also stated various recommendations for moving forward.

Mayor Shepherd closed the public hearing.

**RESOLUTION NO. 2568**

Commissioner Michael Fagg moved that Resolution No. 2568, a resolution placing a moratorium on platting new sub-divisions in the City of El Dorado for six months, be approved.

Commissioner Steve Pershall seconded the motion.

Motion carried 3-2. Commissioners Linda Clark and Steve Reynolds opposed.

**2002 AND 2003 DEFERRED FINES AND 2005 MISCELLANEOUS BILLING WRITE-OFFS**

Mayor Brian Shepherd stated 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 deferred fines amount of \$33,693.77 is to be removed and the total miscellaneous billing amount to be removed is \$323.52.

Mayor Shepherd stated collections will continue; this motion will remove the items from the accounting for the City of El Dorado.

Commissioner Steve Pershall moved to deem uncollectible deferred fines accounts in the amount of \$33,693.77 and miscellaneous billing accounts in the amount of \$323.52 owed to the City of El Dorado and 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 Steve Reynolds seconded the motion.

Motion carried 5-0.

Discussion ensued regarding the amounts of collected versus using a collection agency.

**2007 PROPOSED SALARY SCHEDULE**

Mayor Brian Shepherd stated 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 does not provide for an adjustment to the salary schedule/range as there will not be a cost of living adjustment in 2007.

**RESOLUTION NO. 2569**

Commissioner Steve Pershall moved that Resolution No. 2569, a resolution establishing 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 Linda Clark seconded the motion.

Motion carried 5-0.

Discussion and clarification ensued regarding the changes made in the Pay Plan Classification.

**CITY COMMISSION MEETING DATE CHANGE**

Mayor Brian Shepherd stated the first meeting in January 2007 is scheduled for January 1, 2007. This date is the observation of New Year's Day, which the City of El Dorado observes and offices will be closed. A meeting date change is needed and the following motion will provide for another meeting date.

Mayor Shepherd also stated if the City Commission desires not to have this meeting at all, authorization is needed to release accounts payable checks on January 10, 2007. Staff will send the Appropriation Ordinance Report prior to January 10<sup>th</sup>, and unless a majority of Commission members call Staff with objections to early payment, Staff will send payments.

Discussion ensued regarding cancelling the first meeting date in January and the process to approve the Appropriation Ordinance report.

Commissioner Steve Pershall moved to cancel the City Commission meeting on Monday, January 1, 2007.

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

Commissioner Pershall moved to approve releasing the accounts payable checks for payment on January 10, 2007.

Commissioner Clark seconded the motion.

Motion carried 5-0.

Discussion ensued regarding the City Commission completing the City Manager's evaluation.

**CITY COMMISSION MEETING DATE CHANGE**

Mayor Brian Shepherd stated the second meeting in January 2007 is scheduled for January 15, 2007. This date is the observation of the Martin Luther King Day, which the City of El Dorado observes and offices will be closed. A meeting date change is needed and the following motion will provide for another meeting date.

Commissioner Steve Pershall moved to change the City Commission meeting on Monday, January 15, 2007, to Tuesday, January 16, 2007, at 7:00 p.m. in the City Hall Commission Room.

Commissioner Linda Clark seconded the motion.

Motion carried 5-0

**STORMWATER POLLUTION PREVENTION ORDINANCE**

Mayor Brian Shepherd stated the EPA has required operators of small MS4s in urbanized areas to develop and implement a stormwater management program. As a requirement of the program, the City of El Dorado must pass an ordinance addressing stormwater pollution prevention.

Field Engineer Scott Rickard stated MS4 stands for Municipal Separate Storm Sewer Systems.

Discussion ensued regarding various details affected by the stormwater management program.

Commissioner Michael Fagg requested appeals to this issue be brought to the City Commission versus City court.

City Manager Herb Llewellyn explained this is a federal mandate; City Commission handles policy and Staff handles administrative issues.

Discussion ensure regarding the ability of the City Commission to be involved in an appeal process for a federal mandate.

**ORDINANCE NO. G-988**

Commissioner Linda Clark moved to approve Ordinance G-988, an ordinance addressing stormwater pollution prevention, and amending Title 13, Chapter 13.02 of the El Dorado Municipal Code.

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 Michael Fagg	No
	Mayor Brian Shepherd	Yes

**BOARD APPOINTMENTS**

Mayor Brian Shepherd stated the City Commission appoints members to various advisory boards. Applications were attached to the agenda.

Discussion ensued regarding appointing members with or without children utilizing the Recreation program. The Commission was appreciative of the quality of the applicants.

Commissioner Steve Reynolds moved to appoint Loren Anthony and Roger Smith to the Recreation Advisory Board for a term set to expire January 15, 2009.

Commissioner Steve Pershall seconded the motion.

Motion carried 3-2. Mayor Shepherd and Commissioner Michael Fagg opposed.

**NEW BUSINESS – DISCUSSION ITEMS**

Mayor Brian Shepherd opened the floor for the Commissioners' comments.

Commissioner Steve Pershall stated he visited with Mr. Dustin Dooley's Middle School students to discuss local government. He explained what is involved in government, and introduced the members of the City Commission and Staff for a recording of the meeting for the students. He then read into the minutes the names, addresses and comments from eight of the students.

The students and their comments include the following:

Taylor Parker, 409 Jones, stated the need for a skate park in the City.

Terra Gustis, 318 North Ohio, complimented the City on the activities and restaurants available. He stated his displeasure at the closing time of the swimming pool.

Parker Brush, 2256 SW 63<sup>rd</sup> Terrace, complimented the Recreation program and urged more advertising for the programs.

Devin Martin, 2022 Dragonfly Drive, complimented the Animal Shelter and local youth activities. He urged the Commission to consider enlarging the Animal Shelter.

Alise Wilson, 924 North Topeka, stated her enjoyment of the City's school system and her displeasure of the local road construction and the need of repairs on streets north of Sixth Avenue.

Thomas Hays, 521 South Denver, stated the need for a local skate park.

Samantha Eaton, 2190 SE Highway 54, complimented the Recreation Department. She expressed her desire for improvements to be made to the truck route.

Alex Pennington, 2320 Gentry Lane, complimented the City's recycling system. He suggested a police officer be placed at each school to direct traffic after school.

Commissioner Linda Clark mentioned a citizen's suggestion to make the City of El Dorado smoke-free. She then requested the public contact the Commission with their preferences.

Commissioner Michael Fagg stated a Kansas Department of Health and Environment form mentioning the City of El Dorado developing a sports complex. His concern centered on the sports complex plans not being final and misleading the State on the City's intentions.

Discussion ensued regarding meetings that began in the past year and a study that was completed by Goedeke Engineering.

Mayor Shepherd expressed his appreciation to Commissioner Pershall and the citizens for their input.

Mayor Shepherd closed the New Business section.

**PUBLIC COMMENTS**

Mayor Brian Shepherd opened the floor for public comments.

Larry Adams, 1756 West Third, stated his displeasure at several Commissioners regarding their decision to settle the law suit from Gus Collins.

Larry Watson, 140 Residence, described his conversation with QuikTrip regarding the street and parking issue. He stated the QuikTrip Corporation had discussed this issue at the corporate level. Several suggestions were discussed.

Mayor Shepherd closed the public comments section.

**EXECUTIVE SESSION**

Mayor Brian Shepherd stated that this item is for the purpose of discussing confidential data relating to the financial affairs or trade secrets of second parties, legal and non-elected personnel 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, legal and non-elected personnel issues, and to reconvene the regularly scheduled meeting in the City Commission room at 10:15 p.m.

Commissioner Linda Clark seconded the motion.

Motion carried 5-0.

The Mayor reconvened the meeting at 10:15 p.m.

**CITY MANAGER REPORT**

City Manager Herb Llewellyn updated the Commission regarding the recent Sports Complex committee meeting.

Discussion ensued regarding possible financing of the Sports Complex.

City Manager Llewellyn also updated the Commission regarding recent pit bull activity in the City.

He mentioned the restorative work currently being done to the East Park pond.

**ADJOURNMENT**

Commissioner Steve Pershall moved to adjourn the meeting at 10:30 p.m.

Commissioner Michael Fagg seconded the motion.

Motion carried 5-0.

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City Clerk Kendra Porter

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Mayor Brian D. Shepherd