

EL DORADO CITY COMMISSION MEETING

December 20, 2004

The El Dorado City Commission met in regular session on December 20, 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 Assistant City Clerk Kendra Waite. City Clerk/Finance Director Dee Anne Grunder was absent.

VISITORS

Brandon T. Light	627 Village Road	El Dorado, Kansas
D. Scott Loyd		McPherson, Kansas
Roland B. & Christy Davis	115 N. Orchard	El Dorado, Kansas
LaTisha Campos	508 N. Atchison	El Dorado, Kansas
Sue Ellen Walker	517 N. Emporia	El Dorado, Kansas
Ellen Kirkman	517 W. 6 th	El Dorado, Kansas
Connie Worley	515 Jones	El Dorado, Kansas
Jason Mohler	246 S. Jamestown Circle	Andover, Kansas
Rodger Decker	1017 S. Denver	El Dorado, Kansas
Mark Elwood	El Dorado Times	El Dorado, Kansas
David Yearout	1710 Post Circle	El Dorado, Kansas
Bruce Harris	4843 SW Country Lane	El Dorado, Kansas
Larry Adams	1756 W. 3 rd	El Dorado, Kansas
Ron Peak	915 S. Denver	El Dorado, Kansas

CALL TO ORDER

Mayor Connie Phillips called the December 20, 2004, meeting to order.

INVOCATION

The Reverend Ron Peak, Trinity Episcopal Church, opened the meeting with prayer.

PLEDGE OF ALLEGIANCE

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

CONSENT AGENDA

Commissioner Fagg asked that Item C be removed from the Consent Agenda.

- a) Approval of the December 6, 2004, City Commission minutes.
- b) Approval of the December 14, 2004, Work Session minutes.
- c) (Removed from Consent Agenda)
- d) Approval of 2005 Cereal Malt Beverage license applications as listed:
 - 1. Good Price Cigarettes, 200 E. Central
 - 2. Gail & Helen’s, 2575 W. Central
 - 3. M&M Convenience Stores, 1400 N. Main

Commissioner Fagg moved that Consent Agenda, as presented, be approved with the exclusion of Agenda Item C.

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

AGENDA ITEM C – WATER RATE INCREASE

City Manager Gus Collins stated that the rate increase was discussed in August during preparation of the 2005 budget.

Commissioner Fagg questioned how the 10% rate increase was determined.

City Manager Collins stated that the increase is needed in order to meet a portion of the Corps of Engineer’s debt payment that is now due. The City has increased the water usage from the lake, which means the payment for this use becomes due.

Commissioner Fagg asked how much the interest rate is on the debt.

City Manager Collins stated that it is 3.502 %.

Mayor Phillips asked how much additional funding is needed this year to retire the debt for the space.

City Manager Collins stated that the additional amount due is \$315,000 per year.

Mayor Phillips asked how much the 10% increase would generate for the City.

City Manager Collins stated that the increase would generate approximately \$200,000 yearly.

Commissioner Shepherd asked if the rate increase would include customers living outside the city limits.

City Manager Collins stated that the rate increase includes those users as well.

ORDINANCE G-965

Commissioner Taylor moved that Ordinance G-965, an ordinance amending the portion of Chapter 13.08, Title 13 of the El Dorado Municipal Code pertaining to water service rates be approved.

Commissioner Clark 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	no
	Mayor Connie Phillips	yes

Commissioner Fagg stated that he voted no because he wants to feel more comfortable with a plan that can be monitored annually to see that the City is on course regarding the debt.

AUDIT PROPOSALS – 2004-2006

Mayor Phillips stated that the City has solicited proposals for the performance of the City's financial statement audits. Three proposals have been submitted and have been reviewed by City staff. The following motion provides for the engagement with an auditing firm. City staff has made a recommendation to approve George, Bowerman and Noel, P.A. as the auditing firm for the years 2004 through 2006.

City Manager Collins stated that six firms were solicited, and three proposals were received. City Clerk/Finance Director Dee Anne Grunder performed a thorough review of each proposal and recommended the firm of George, Bowerman and Noel, P.A.

Commissioner Fagg stated that he would like for the Commissioners to have more input in the process before sending out the proposals.

Commissioner Clark moved to authorize the Mayor to sign an engagement agreement with George, Bowerman and Noel, P.A. to provide auditing services for the City of El Dorado for the years ending December 31, 2004 through December 31, 2006.

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

PROPOSED AMENDMENTS TO THE ZONING AND SUBDIVISION REGULATIONS

David Yearout, Interim Planning/Zoning Director, stated the Planning Commission held a public hearing on December 2, 2004, and has recommended certain amendments to the El Dorado Zoning and Subdivision Regulations. Mr. Yearout gave an overview of the regulations and changes.

Mayor Phillips stated the Commission has four possible required actions, which are as follows:

1. To accept the recommendations of the Planning Commission and approve the Ordinance amending the Zoning and Subdivision Regulations.
2. Modify the recommendations of the Planning Commission by a 2/3 majority vote and approve the Ordinance amending the Zoning and Subdivision Regulations as so modified.
3. Return the recommendations to the Planning Commission for further consideration, specifying the items or concerns with said recommendations.
4. Disapprove the recommendations of the Planning Commission by a 2/3 majority vote and not make any changes to the Zoning and/or Subdivision Regulations.

The City Commission then reviewed each proposed revision to both the Subdivision and Zoning Regulations.

ORDINANCE NO. G-966

After discussion, Commissioner Clark moved that the recommendation of the Planning Commission be accepted and that Ordinance No. G-966, an ordinance amending the Zoning and Subdivision Regulations of the City of El Dorado, Kansas, be approved.

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

ACCEPTING BIDS FOR PAVING THIRD AVENUE AND PHASE I – GRILER ADDITION

Vice-Mayor Brian Shepherd stated that the bids were received for the Paving of Phase I – Griler Addition and Third Avenue from Village Road to Metcalf Road. The specifications allowed for a standard section base bid and a geogrid section alternate bid. The instructions to bidders noted that the successful bidder will be selected on the lowest and best bid from a responsible bidder based on the combined standard section or the alternate geogrid section.

Project numbers assigned to these projects – Authorized by Resolution 2456 and 2457
Project No. 248 – Paving Phase I – Griler Addition (Meadowlark and Sunflower Drives)
Project No. 249 – Paving Third Avenue (Village to Metcalf)

City Engineer Dave Wagner stated that an alternate bid for a geogrid section in lieu of the City’s standard 9-inch asphaltic concrete pavement was allowed in the bid proposal. The alternate provided some advantages. He stated that the future price of oil is unknown and the geogrid section would reduce the amount of oil. The exact subsurface conditions are also unknown. Mr. Wagner stated that the alternate method reduces the need for the unknown type of base stabilization, lime treated or fly-ash treated. Mr. Wagner added that since rock is in the area, the requirements to stabilize the rock base are cut. The alternate section allows for positive drainage to sump areas where pipes carry the water into the catch basins. Mr. Wagner stated that based on the bids, the alternate section will provide a small cost savings over the standard section.

City Engineer Wagner stated that the two pavement sections have equivalent strengths. He stated that the City of Wichita uses this system exclusively. He also stated that Wichita uses a 5-inch rock base with 5-inch asphalt surface on their residential streets. The City of El Dorado’s geogrid section is 6 inches of asphalt on 6 ½ inches of crushed concrete.

Commissioner Fagg asked if the program would help Oil Hill or Douglas Road if it was cheaper.

City Manager Collins stated that it could be considered and discussed with the consultants.

RECEIVING THE BIDS

Vice-Mayor Shepherd spread the bids for the record:

1. Engineer’s Estimate - \$548,734.07
2. Ritchie Paving - \$491,215.03
3. Cornejo and Sons - \$578,306.11
4. APAC, Kansas - \$513,923.33

Vice-Mayor Shepherd stated that the tabulations for the standard street built in El Dorado are as follows:

- 1. Engineer’s Estimate - \$545,438.60
- 2. Ritchie Paving - \$504,133.78
- 3. Cornejo and Sons - \$593,303.40
- 4. APAC, Kansas – no bid

Commissioner Fagg asked what the cost to the City-at-large would be on a 31-foot street instead of a 41-foot street on Third Street.

City Engineer Wagner stated that it would be approximately \$50,000 less.

Commissioner Fagg asked what the total City cost would be in Phase I.

City Manager Collins stated that the total (including water, sewer and paving) had not been determined.

Commissioner Fagg asked what the cost to the City-at-large would be for the paving.

City Engineer Wagner stated that the cost would be \$360,000 for both projects.

ORDINANCE NOS. S-1223 AND S-1224

Commissioner Taylor moved that Ordinance No. S-1223 and Ordinance No. S-1224, both authorizing the issuance of bonds of the City of El Dorado, in an amount not to exceed \$218,000 and \$536,000 in payment of the cost or a part of the cost of Project Nos. 248 and 249, respectively, and providing for the issuance of temporary notes pending the issuance of such bonds, be approved.

Commissioner Clark seconded the motion.

Commissioner Fagg stated that he would be voting against the projects for four reasons. They are as follows: 1) The Comprehensive Plan shows the property as light industrial. The property was changed to residential because of annexation laws. 2) The need for 41- foot street instead of 31-foot street. 3) The financial investigation requirements to the City should be available. 4) The storm sewer – if it is \$200,000 on Phase I to the City-at-large, it is too high when there are citizens in town with water problems. He feels that the owners of the property should be bearing the cost.

Commissioner Taylor stated that the 41-foot street is a City policy.

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	no
	Mayor Connie Phillips	abstained

AWARDING THE CONTRACT

Commissioner Taylor moved that as Ritchie Paving has submitted the lowest and best combined bid for Project Nos. 248 and 249, and since their bid of \$491,215.03 was under the Engineer’s Estimate, the City Manager be directed to award the contract to said contractor providing that the company furnishes the proper bonds.

Commissioner Clark seconded the motion. Motion carried 3-1-1. (Commissioner Fagg opposed and Mayor Phillips abstained)

SET A PUBLIC HEARING DATE FOR PROJECT NO. 233 – SIDEWALKS

Mayor Phillips stated that Project No. 233 is complete. The Commission must set a hearing date to spread the costs to the properties involved.

Project No. 233- 4-inch sidewalks, curb drains, truncated dome, and curb and gutter improvements located at:

- 623 S. Atchison
- 216 S. Vine
- 427 N. Atchison
- 304 S. Denver
- 500 N. Topeka
- 623 S. Alleghany
- Southeast corner of Third and Star (City-at-large ramp)

Mayor Phillips stated that the Commission would need to accept the project and set a public hearing date for January 18, 2005.

RESOLUTION NO. 2484

Commissioner Shepherd moved that the City of El Dorado accept the completed work of Project No. 233 by Parga Construction, and that the final cost be determined to be as follows:

Preliminary Estimate	\$17,238.63
Final Cost	\$11,881.63
Unexpended	\$ 5,357.00
Improvement District Cost	\$10,154.57
City-at-large Cost	\$ 1,727.06

and that Resolution No. 2484, a resolution providing notice of public hearing by this Commission at 7:30 p.m. on the 18th day of January 2005 for the purpose of considering the proposed assessments of the cost of Project No. 233 and that the City Clerk be directed to cause a notice in the Official City paper at least once not less than 10 days prior to the date of said meeting.

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

WASTEWATER PLANT IMPROVEMENT PROJECT – LAND ACQUISITION

Mayor Phillips stated that in reviewing the project schedule, it was determined that the City had not acquired a 5.7-acre tract. This tract is located on the west end of the project, adjacent to the river. The property owner has agreed to sell at a total cost of \$10,000. City staff has recommended purchasing the property at the price of \$1,754.39 per acre.

City Manager Collins stated that the current owner is reluctant to sell the property but is willing to do so. He would like to have the privilege of continuing to bow hunt on the property.

EL DORADO CITY COMMISSION MEETING

December 20, 2004

Commissioner Fagg asked if the City would have any liability if an arrow hit anyone.

City Attorney Mike Coash stated that he did not feel there would be any liability issues as long as Mr. Thompson is given the right to hunt on the property.

Commissioner Shepherd moved to approve the acquisition of the 5.7 acres, for a total amount of \$10,000 for the use of the Wastewater Treatment Plant, with the reservation that Michael Thompson be allowed to bow hunt on this property for the length of his lifetime as long as he owns the adjoining property.

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

CITY COMMISSION YEAR-END MEETING

Mayor Phillips stated that the Commission needs to set a date for the end of the year meeting. This meeting will be conducted to approve certain standard year-end items. A meeting date is needed, and the following motion will provide for setting that date and time.

Commissioner Fagg moved to set the year-end City Commission meeting on Thursday, December 30, 2004 at 4:30 p.m. in the City Commission Room at City Hall.

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

CITY MANAGER'S REPORT

City Manager Collins noted the following:

1. The annual turkey and ham distribution to City employees is scheduled for Tuesday, December 21st at 4:30 p.m.
2. Employees will have a three-day holiday, with the exception of the Refuse Department. There will be no change in the refuse pick up schedule. Unlimited refuse collection during the week of December 27th.
3. There will be no work session.

ADJOURNMENT

Commissioner Shepherd moved to adjourn at 9:15 p.m.

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

City Clerk Dee Anne Grunder

Mayor Connie Phillips