

EL DORADO CITY COMMISSION MEETING MINUTES December 20, 1999

The El Dorado City Commission met in regular session on December 20, 1999 at 7:30 p.m. with the following present: Mayor Susan J. Seeber, Commissioner Brian L. Clites, Commissioner Betty Criss, Commissioner Betty J. Kirkpatrick, Commissioner Don Storrer, City Manager Stan Stewart, City Director of Administration Gus Collins, City Engineer Bruce Remsberg, City Clerk Janet Arnold and City Attorney Mike Coash.

VISITORS

Jack L. Swafford	1974 Country Club Rd.	El Dorado, KS
Ray McNett	3788 SW 60 th	El Dorado, KS
Traci Gagnebin	623 W. Locust	El Dorado, KS
Wade C. Graber	3505 W. Towanda	El Dorado, KS
Bob Keen	405 N. Emporia	El Dorado, KS
Yvonne Keen	531 N. Alleghany	El Dorado, KS
Amanda Keen	531 N. Alleghany	El Dorado, KS
Jake McCoy	403 N. Alleghany	El Dorado, KS
Brittany Evans	245 N. Topeka	El Dorado, KS

INVOCATION

Pastor Wade Graber, First Baptist Church, delivered the invocation.

PLEDGE OF ALLEGIANCE

Brittany Evans, Amanda Keen and Jake McCoy, third graders from Jefferson School appeared to lead the Governing Body and the audience in the Pledge of Allegiance.

PERSONAL APPEARANCES

Mr. Jack Swafford, 1974 Country Club Road, addressed the commission regarding the street policy. He questioned whether all streets that do not currently meet City standards would be included on the new street policy.

Mayor Seeber stated that the intention of the policy is to have all city streets meet the specified standards.

Mr. Swafford then indicated that there are several city streets that do not meet City standards.

Mayor Seeber stated that if he would provide City staff with his list they would be considered to be included on the list of streets to be improved.

Mr. Swafford questioned why Woodland Street was not constructed with curb and guttering along both sides of the street.

City Engineer Remsberg noted that at the time that project was completed it was the intention to provide parking in the park area. An overlay was added to Woodland Street, there was no intention to have the street meet City standards.

Mr. Swafford questioned whether the newly approved 12th Street trafficway would be through a residential area.

EL DORADO CITY COMMISSION MEETING MINUTES December 20, 1999

Mayor Seeber stated that the 12th Street trafficway would be a bypass around the city of El Dorado and would actually be considered a State highway should the funding be approved.

Mr. Swafford then asked Commissioner Criss if she owned any of the property along the Northwest Trafficway, specifically Sharpville Road.

Commissioner Criss stated that she did own property along Sharpville Road.

Mr. Swafford stated that, in his opinion, this would be a conflict of interest for Commissioner Criss to vote on any issues regarding the Northwest Trafficway that in the future would be considered a bypass.

City Manager Stewart stated that the City Attorney had been contacted regarding this issue. City Attorney Coash responded with a written letter that this would not be a conflict of interest for Commissioner Criss to participate in the 12th Street issue.

Mr. Swafford then questioned the City's participation of 30% of the cost the 12th Street trafficway construction.

Mayor Seeber noted that when the application was submitted for the System Enhancement Funds the City had to offer to the State an amount that they would be willing to include in this project. This does not mean that any of it would be approved.

Mr. Swafford then questioned what fund the City would use to provide 30% of the cost of the project.

City Manager Stewart stated that the City would utilize the bond and interest fund.

Mayor Seeber thanked Mr. Swafford for appearing.

TRACI GAGNEBIN, 623 W. Locust, and RAY MCNETT, 3788 SW 60th - Pit Bull Ordinance

Mr. Ray McNett, 3788 SW 60th, appeared before the Governing Body to question the City's ordinance regarding the ownership of pit bulls in the city limits. In his opinion, the City's ordinance is prejudicial against pit bulls. He believes there are other types of dogs that are more vicious than pit bulls.

City Manager Stewart noted that in approximately 1992 the issue of pit bulls within the city limits came before the Governing Body. It was determined, at that time, that the pit bull breed was a vicious animal, therefore they were banned from the city. This issue was addressed at length and a research performed regarding pit bulls, before the ordinance was passed.

Mayor Seeber informed Mr. McNett that the Governing Body would be willing to review any new evidence contrary to the previous research they had been provided. Otherwise, the existing ordinances would remain. She then invited Mr. McNett and Ms. Gagnebin to visit City hall to review the research that was used at the time the ordinance was passed. Mayor Seeber then thanked Mr. McNett for appearing before the Governing Body.

EL DORADO CITY COMMISSION MEETING MINUTES December 20, 1999

CONSENT AGENDA

The Governing Body considered approval of the December 6, 1999 City Commission Minutes and the November 26, 1999 Work Session Minutes.

Mayor Seeber noted that the December 6, 1999 City Commission Minutes should, in her opinion, have more detail on the controversial issues specifically the 12th Street trafficway and the System Enhancement Funds. She requested that, regarding the 12th Street trafficway, the following should be included in the minutes: that a resident noted a flood water study had not been performed and Commissioner Clites' suggestion of a compromise for the neighborhood. Also, it was not mentioned that the System Enhancement Application was not included in the packet, but distributed the night of the meeting. The minutes did not reflect the deadline in two days (December 8, 1999). Also, not included in the minutes, was the Mayor's recommendation not to designate this new route as a truck route.

Mayor Seeber then moved that the consent agenda, excluding the December 6, 1999 minutes, be approved.

Commissioner Clites seconded the motion and it carried 5-0.

1999 BUDGET AMENDMENT

REFUSE FUND/DEBT SERVICE FUND

City Manager Stewart stated that City staff is in the process of reviewing all of the City's funds to ensure compliance with the budget authority in conjunction with state law. In the review, it was noted that two funds, the Refuse Fund and Debt Service Fund, were nearing the budget authority as established by the 1999 budget hearing. Mr. Stewart noted that after consultation with the City's bond council, it was determined that the City's funding for the El Dorado Middle School Auditorium project could not be included in a bond issue. The City agreed to fund this on a four-year period with USD #490 School District. Secondly, the published amount for the total expenditures in the Refuse Fund did not include the cost of the Recycling Operation.

PUBLIC HEARING

Mayor Seeber declared the public hearing open regarding the 1999 Budget Amendment Refuse Fund and Debt Service Fund.

With no one appearing before the Governing Body, Mayor Seeber closed the public hearing.

Commissioner Kirkpatrick moved to approve the amendment to the 1999 operating budget in both the refuse and debt service funds as published and presented.

Commissioner Criss seconded the motion and it carried 5-0.

UTILITY RATE INCREASES

City Manager Stewart stated that minor rate increases are necessary in both the water and wastewater utilities. A 2 cent per 100 cubic feet increase is necessary to comply with the budget document. It also follows the city commission's initiative of preparing a rate

EL DORADO CITY COMMISSION MEETING MINUTES December 20, 1999

structure to accommodate future capital improvements without an onerous increase in the future.

ORDINANCE NOS. G-867 AND G-868

Mayor Seeber moved that Ordinance Nos. G-867 and G-868, ordinances providing for revisions to the rate structures within the water and sewer funds respectfully, more specifically described therein, be passed and approved.

Commissioner Storrer seconded the motion.

ROLL CALL

Mayor Susan J. Seeber	yes
Commissioner Brian L. Clites	yes
Commissioner Betty Criss	yes
Commissioner Betty J. Kirkpatrick	yes
Commissioner Don Storrer	yes

Motion carried 5-0.

DANGEROUS OR UNSAFE STRUCTURE – 919 N. GORDY

City Building Inspector Robert Mendoza stated that the City Inspection Department has attempted to contact the owner of this property requesting that certain action be taken to secure this dwelling. The property owners have not responded; therefore, City staff recommended that certain action now be taken for the removal of this property.

RESOLUTION NO. 2258

Commissioner Clites moved that Resolution No. 2258 A RESOLUTION ESTABLISHING THE RESIDENCE AT 919 NORTH GORDY AS DANGEROUS AND UNSAFE AND SETTING THE PUBLIC HEARING FOR JANUARY 17, 2000.

Commissioner Kirkpatrick seconded the motion and it carried 5-0.

SALE OF INDUSTRIAL LAND

City Manager Stewart stated that Mr. Galen Mears requested to purchase 4 acres of land adjacent to his existing facility west of El Dorado. A price of \$1,500 per acre has been determined to be the appropriate price.

Mayor Seeber moved that the Mayor be authorized to execute a deed transferring title of four acres of land to Mr. Galen Mears.

Commissioner Criss seconded the motion and it carried 5-0.

CEREAL MALT BEVERAGE LICENSES

Commissioner Kirkpatrick moved that the following applications for 2000 Cereal Malt Beverage Licenses be approved.

Blue Goose Tavern, Inc., 120 E. 4th – Larry Wilson, Manager

EL DORADO CITY COMMISSION MEETING MINUTES December 20, 1999

Good Price Cigarettes, 200 E. Central – Marcia Greene, Manager
Pizza Hut, 729 North Main – Michael F. Powell II, Manager
Pizza Hut, 2423 West Central – Renee Maddox, Manager

These applications were approved contingent upon satisfactory background investigations:

El Bowl, 307 S. Haverhill Road – Bill D. Hallmark, Manager
Coastal Mart, 1400 N. Main – Patricia L. Spiller, Manager
Jump Start, 1631 W. Central – Kay Ross, Manager
Quick Trip, 1320 W. Central – Chris McWhorter, Manager
American Legion, 1801 W. Central – Margaret Austin, Manager
Iron Horse Concert Hall, 315 ½ S. Main – Don Koke, Manager

Mayor Seeber seconded the motion and it carried 5-0.

PROJECT NO. 928 – SANITARY SEWER TO SERVE CRISS FOURTH ADDITION

Mayor Seeber stated that at the last meeting the City Commission awarded the Contract and passed an ordinance issuing bonds.

RESOLUTION NO. 2259 - ISSUING TEMPORARY NOTES

Mayor Seeber moved that Resolution No. 2259 relating to the issuance of Temporary Notes on Project No. 928, more specifically described therein, be adopted.

Commissioner Storrer seconded the motion and it carried 4-0-1. Commissioner Criss abstained.

MISCELLANEOUS

BIKE PATH TUNNELS

City Manager Stewart stated that the contractor is making progress on the tunnels for the bike paths.

WORK SESSION

City Manager Stewart noted that a work session is scheduled for Tuesday, December 21, 1999, 4:00 p.m.

ADJOURNMENT

Mayor Seeber moved the meeting adjourn to Thursday, December 30, 1999 at 4:00 p.m. in lieu of the regularly scheduled January 3rd, 2000 commission meeting.

Commissioner Criss seconded the motion and it carried 5-0.

Janet L. Arnold, City Clerk

Susan J. Seeber, Mayor

EL DORADO CITY COMMISSION MEETING MINUTES December 20, 1999