

The El Dorado City Commission met in regular session on December 20, 2010 at 7:00 pm in the Commission Room with the following present: Mayor Tom McKibban, Commissioner Nick Badwey, Commissioner David Chapin, Commissioner Linda Clark, Commissioner Shane Krause, City Manager Herb Llewellyn, Assistant City Engineer Scott Rickard, City Attorney James Murfin and City Clerk Tabitha Sharp.

**VISITORS**

Rick McNary	Numana	El Dorado, KS
Brad Meyer	220 E 1 <sup>st</sup>	El Dorado, KS
Kurt Bookout	220 E 1 <sup>st</sup>	El Dorado, KS
Tom Boren	220 E 1 <sup>st</sup>	El Dorado, KS
Marci Fugarino	220 E 1 <sup>st</sup>	El Dorado, KS
Ken Nakaten	220 E 1 <sup>st</sup>	El Dorado, KS
Jared Cobb	220 E 1 <sup>st</sup>	El Dorado, KS
John Stewart	220 E 1 <sup>st</sup>	El Dorado, KS
Linda Jolly	2100 N Pico Ct	El Dorado, KS
Andrew Kovar	Triplett, Woolf and Garretson, LLC	Wichita, KS
Julie Clements	El Dorado Times	El Dorado, KS
Bill Young	1751 E Lakeland Dr	El Dorado, KS
James Powell	323 W. Carr	El Dorado, KS
Rev. Brian Johnson	Hope Covenant Church	El Dorado, KS

**CALL TO ORDER**

Mayor McKibban called the December 20, 2010, City Commission meeting to order.

**INVOCATION**

Rev. Brian Johnson, Hope Covenant Church, opened the meeting with prayer.

**PLEDGE OF ALLEGIANCE**

Ms. Slayton, Worley and Carter’s third grade classes from Lincoln Elementary led the Pledge of Allegiance.

**PERSONAL APPEARANCE**

Rick McNary, Numana Inc., spoke about the packaging event will be held at the Civic Center on December 29, 2010 from 8 a.m. to 8 p.m. to celebrate a year of service.

Police Chief Tom Boren presented an Above and Beyond the Call Award to Detective John Stewart for his actions in preventing a break in at a local business and successfully apprehending one of the suspects.

**PROCLAMATION**

Mayor Tom McKibban read a proclamation declaring December 29, 2010 Numana Day in the City of El Dorado.

Police Chief Tom Boren also read a proclamation from the Character Council of the City Of El Dorado also honoring Numana.

**PUBLIC COMMENTS**

Mayor McKibban opened the floor for public comments.

James Powell, 323 W. Carr, questioned the budget amendments on the agenda, specifically the amount of the amendment for Prairie Trails Golf and Dining.

**CONSENT AGENDA**

1. Approval of the December 6, 2010 & December 15, 2010 City Commission minutes.

Commissioner David Chapin moved that the Consent Agenda, as presented, be approved.

Commissioner Nick Badwey seconded the motion.

Motion carried 5-0.

**YOUTH COMMISSION BOARD APPOINTMENT**

Megan Morris has applied for a position on the El Dorado Youth Commission for a term ending June 30, 2011.

Commissioner David Chapin stated that her application meets all of the conditions of an appointment.

Commissioner Chapin moved to appoint Megan Morris to the El Dorado Youth Commission for a term ending June 30, 2011.

Commissioner Linda Clark seconded the motion.

Motion carried 5 – 0.

**DEFERRED FINES AND 2010 MISCELLANEOUS BILLING WRITE-OFFS**

Delinquent accounts owed 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 deferred fines to be removed total \$28,154.02 and the miscellaneous billing amount to be removed is \$8,273.53. It is noted that of the total deferred fines being written off, \$383.02 is for restitution and \$2,587.00 for state fees that would be remitted to another party upon collection; therefore, that portion is not a loss of revenue to the City.

City Manager Herb Llewellyn stated that this is strictly an accounting function and the City will continue to pursue collection of these funds.

Mayor Tom McKibban asked what was included in the miscellaneous billing amount.

City Clerk Tabitha Sharp stated that it was primarily mowing orders and late charges.

Commissioner David Chapin asked what deferred fines referred to.

City Manager Llewellyn stated that deferred fines were those that an individual has promised to pay but has not done so.

Commissioner Nick Badwey moved to deem uncollectible the deferred fines accounts in the amount of \$28,154.02 for 2010, and miscellaneous billing accounts in the amount of \$8,273.53 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.

**2010 BUDGET AMENDMENT - SPECIAL ALCOHOL, PRAIRIE TRAILS GOLF AND DINING AND WATER UTILITY FUNDS**

There have been events this year that necessitate amending the 2010 budget. The Special Alcohol Fund must be amended in order to spend the full amount of the remaining funds that were allocated to agencies earlier this year. The Prairie Trails budget was based on the previous owner's budget and Kemper's expectations. Revenue was lower than expected and system maintenance was much higher. The Water Fund is being amended for 2010 expenditures related to the Water Treatment Plant generator project which were not anticipated during the original budget process.

City Manager Herb Llewellyn stated that the annual budget is set in August of the previous year and therefore it is necessary to amend the budget to account for unforeseen expenses.

City Manager Llewellyn stated that the Special Alcohol fund was amended due to a new interpretation of the state statute regarding those funds. The fund was short approximately \$1000 due to low collections. City Commission voted to grant all of the requests, and so the difference must be accounted for.

City Manager Llewellyn stated that it was anticipated that Prairie Trails would operate at a loss the first two years of operation under the City of El Dorado. City Staff did a budget based on those projections, but did not anticipate the replacement of the majority of kitchen equipment and a new building to house the golf carts.

City Manager Llewellyn conveyed that the generator project was not anticipated, thus the water fund needed to be amended as well. It was important to start on that project after receiving an offer from Frontier to pay for part of the cost.

Mayor Tom McKibban opened the public hearing for comments.

James Powell, 323 W. Carr, inquired about the current membership at Prairie Trails.

City Manager Llewellyn stated that he did not have the numbers, but he would get them.

Mr. Powell asked if a profit and loss statement for Prairie Trails was available to the public.

City Manager Llewellyn stated that it was available to the public.

Mr. Powell asked about the cost of the generator for the water plant.

Kurt Bookout, Director of Public Utilities, stated that it would be approximately \$250,000 for the generator and that the total project would cost about 2 million dollars with Frontier paying \$200,000.

Mr. Powell asked if the wind turbine was for this project.

Mr. Bookout clarified that they were two separate projects.

Mayor McKibban closed the public hearing.

Commissioner Linda Clark moved to approve the Amendments to the 2010 Operating Budget in the Special Alcohol, Prairie Trails Golf/Restaurant and Water Utility Funds, as presented.

Commissioner Shane Krause seconded the motion.

Motion carried 5 -0.

**2011 PROPOSED SALARY SCHEDULE**

Each year at this time, there is a resolution to establish the compensation and designation of various positions within the City of El Dorado.

Human Resources Director Marci Fugarino stated that the changes to the salary schedule included: the addition of the day after Thanksgiving as a City holiday, pay grade 88 separated into the two positions of Public Works Director and City Engineer, and the specification of rank for police and fire fighters grades 76, 67, 64 and 43.

Commissioner Nick Badwey moved that Resolution No. 2672, a resolution establishing 2011 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 Shane Krause seconded the motion.

Motion carried 5 – 0.

**A RESOLUTION APPROVING THE TRANSFER OF A PROJECT FINANCED WITH THE PROCEEDS OF REVENUE BONDS - TNT**

The holder of the TNT IRB's is redeeming them. Commission is being asked to allow this to take place. Currently, the City is the owner of the property, with TNT as the leasee. In approving this action City Commission will be assigning the City's interest in the property to the bond holders. During the last meeting, Commissioners were told of a possible new business that was looking at taking over this facility. If that occurs, the Commission may be asked to issue new IRBs.

Andrew Kovar, Triplett, Woolf and Garretson, LLC, stated that Midland National Bank has agreed to take the project, terminate the bond documents and extinguish the debt.

City Manager Herb Llewellyn stated that City Staff has spoken with our bond counsel and they have approved the transaction.

Commissioner Shane Krause asked Mr. Kovar to explain what it meant to extinguish the debt.

Mr. Kovar stated that the debt is in a bond transaction owned by the City. The City and the trustee enter into an agreement that the trustee will pay the City the amount of the bond for the project. In this situation, TNT is unable to pay the debt and Midland National Bank has taken over the project, and the debt between the City and the trustee no longer exist.

Commissioner Nick Badwey asked if this would affect the City's bond rating.

Mr. Kovar stated that it would not.

Mayor Tom McKibban asked if the property would revert to the tax rolls if it another company did not take on the project.

City Manager Llewellyn stated that it would.

Commissioner Shane Krause moved that Resolution No. 2673, a resolution of the City of El Dorado, Kansas, approving the transfer of a certain project financed with the proceeds of revenue bonds of the City; recognizing the satisfaction of said revenue bonds; authorizing the execution and delivery of 1) a settlement agreement, 2) a special warranty deed, 3) a bill of sale, 4) a termination and release of lease, and 5) a satisfaction, discharge and release of indenture.

Commissioner Linda Clark seconded the motion.

Motion carried 5 – 0.

**FEDERAL FUND EXCHANGE PROGRAM**

The Federal Fund Exchange Program is a voluntary program that allows a “local public agency” to trade all or a portion of its federal fund allocation in a specific federal fiscal year with KDOT in exchange for state transportation dollars. City staff will present and explain program.

Assistant City Engineer Scott Rickard stated that the State of Kansas passed a new highway bill called T-works. This project gives cities a new avenue to receive money for a wider range of projects with fewer restrictions. This money can be used for any project that deals with transportation. The City can apply for this federal money if Commission agrees to give up the state funding. The City is currently eligible for \$37,000 for the months of October through December 31<sup>st</sup>. City Staff feel that a good project to apply this money to would be the intersection of Vine and Central.

City Manager Herb Llewellyn stated that City Staff are recommending this transition because of the flexibility of the program.

Mr. Rickard stated that we will still be available to apply for state funding for geometric improvement projects, transportation expansion and Klink funding. The only funding we are not eligible for is the bridge rehabilitation money or surface transportation.

Commissioner David Chapin clarified that we were not hurting ourselves by accepting this money.

Mr. Rickard stated that because of the flexibility of the new fund and the limitations on the old fund, this can only benefit us.

Mayor Tom McKibban asked if we would still be eligible for the ARRA funding used on Boyer road.

Mr. Rickard stated that the ARRA money is a completely different fund and does not apply to this.

City Manager Llewellyn stated that City Staff would put together a formal project for the Commission to sign off on.

**ADVANCE WARNING LIGHTS FOR SCHOOLS**

New advanced warning lights were installed in front of Oil Hill School. The same will be installed on 12<sup>th</sup> street at Country Club.

Assistant Director of Public Works Brad Meyer stated that the 12<sup>th</sup> street lights were being assembled as well as a set for 6<sup>th</sup> street. All of these lights are LED and solar powered.

Mayor Tom McKibban asked why the lights flashed during the noon hour.

Mr. Meyer stated that Skelly still had early release, and the schools have requested to leave the lights flashing during the noon hour.

**CANCELLATION OF THE FIRST CITY COMMISSION MEETING IN JANUARY 2011 – JANUARY 3, 2011**

Historically the City Commission of El Dorado has canceled the first meeting in January of each calendar year.

Commissioner Linda Clark moved that the first City Commission meeting in January, Monday, January 3, 2011 be canceled and that staff is authorized to release the

January checks after the finalized December appropriation ordinance is sent to the City Commission for review.

Commissioner Shane Krause seconded the motion.

Motion carried 5 – 0.

**NEW BUSINESS – DISCUSSION ITEMS**

Commissioner David Chapin thanked the Gardners for providing a good meal for the Youth Commission Christmas Party and wished everyone Happy Holidays.

Commissioner Nick Badwey encouraged everyone to remember the reason for the holiday season and to help those less fortunate.

Commissioners Linda Clark and Shane Krause echoed the holiday sentiments.

Commissioner Krause asked if the curb on 6<sup>th</sup> and Boyer can be painted.

City Manager Herb Llewellyn stated that staff would paint them when the temperatures improved.

Commissioner Krause also encouraged those responsible for the theft of some yard decorations to return them.

Mayor Tom McKibban wished everyone a Merry Christmas and Happy New Year. He also welcomed the two Commission candidates present for the meeting.

**CITY MANAGER’S REPORT**

**SEWER PROJECT UPDATE**

Assistant City Engineer Scott Rickard stated that the Public Utilities crews had inspected the line last week. Staff will be able to use cured in place pipe which is less expensive than other options. This will save the home owner approximately \$50,000.

City Manager Herb Llewellyn stated that they were also treating for roots and fixing taps.

Commissioner Shane Krause asked if we had the equipment or contracted out the work.

Mr. Rickard stated that the work would be contracted out.

**T-HANGARS**

Assistant Director of Public Works Brad Meyer stated that he is confident that more T-Hangars could be rented out at the airport. He provided the Commission with a plan for the new hangars.

Commissioner Krause asked how many Hangars would be provided.

Mr. Meyer stated that there would be ten in this phase and a full project proposal would be presented to the Commission at a later date.

**CEMETERY BUILDING**

Mr. Meyer presented a drawing of the new cemetery building at Sunset Lawns.

Commissioner Nick Badwey asked when the work could begin.

Mr. Meyer stated that we needed permission from the Commission.

Mayor Tom McKibban asked if they had received the final quote.

Mr. Meyer stated that they had given them the quote for the project during the last discussion.

Mayor McKibban asked if that quote was complete with the open end.

Mr. Meyer stated that the quotes included a building with the open end and without. The building cost was \$27,000, the open end \$11,000 and the concrete \$9,000. Insurance proceeds were \$21,000 and Frontier is providing \$8500 to \$9000 for the concrete work. The remaining cost of the project will come from something that is cut from the department's budget.

Commissioner Krause asked who would be performing the work.

Mr. Meyer stated that it will be a combination of inmate labor, city staff and some contracted work.

Commissioners Nick Badwey, Linda Clark and Shane Krause said to move ahead with the project.

**CHROMIUM IN WATER**

City Manager Llewellyn stated that there was an article in the Wichita Eagle stating that drinking water included Chromium and that cities did not test for it.

Director of Public Utilities Kurt Bookout stated that according to the water quality brochure, City of El Dorado does test for chromium and our levels so low that they are undetectable.

**CITY MILL LEVY**

Mayor McKibban asked if the County had reached a decision on the mill levy error yet.

City Manager Llewellyn stated that they had not.

**POLICE DEPARTMENT ACCOLADES**

Mayor McKibban congratulated the police department on their recent success with some burglaries.

Police Chief Tom Boren stated that the officers have done some extraordinary work clearing six burglaries and several thefts.

**ADJOURNMENT**

Commissioner Linda Clark moved to adjourn the meeting at 8:15 p.m.

Commissioner Shane Krause seconded the motion.

Motion carried 5-0.