

The El Dorado City Commission met in regular session on January 21, 2014 at 7:00 pm in the Commission Room with the following present: Mayor Michael Fagg, Commissioner Chase Locke, Commissioner Bill Young, Commissioner Nick Badwey, Commissioner David Chapin, City Manager Herb Llewellyn, Assistant City Engineer Scott Rickard, and City Clerk Tabitha Sharp. Absent City Attorney Jim Murfin.

VISITORS

Julie Clements	El Dorado Times	El Dorado, KS
Ron Garcia	BG Products	Wichita, KS
Reggie Graham	BG Products	El Dorado, KS
Chuck Beth	SCKEDD	Wichita, KS
Ray Connell	2520 Chase	El Dorado, KS
Sue Givens	1525 Country Club	El Dorado, KS
Colin Rowell	1640 Cottonwood	El Dorado, KS
Linda Jolly	Box 350	Towanda, KS
James Cook	719 Fredrick Dr	El Dorado, KS
Kurt Bookout	2520 Kacy Ct	El Dorado, KS
Brad Meyer	2012 Chelsea Dr	El Dorado, KS
Curt Ziemann	1220 S Topeka	El Dorado, KS
Marci Fugarino	220 E 1 st Ave	El Dorado, KS

CALL TO ORDER

Mayor Michael Fagg called the January 21, 2014, City Commission meeting to order.

INVOCATION

Pastor Mark Habluetzel, Hope Covenant Church, opened the meeting with an invocation.

PLEDGE OF ALLEGIANCE

The Lincoln third graders lead the pledge of allegiance.

MOTION TO RECESS

Commissioner Bill Young moved to recess to the Fire Apparatus Bay for the christening of Fire Engine #10.

Mayor Michael Fagg called the meeting back to order and stated that Engine 10 is now in service.

PERSONAL APPEARANCE

Linda Jolly, Executive Director of El Dorado Inc., gave a brief overview of the activities of El Dorado Inc. over the last year.

Mayor Michael Fagg asked if there was a list of targeted businesses that El Dorado Inc. would like to recruit.

Ms. Jolly stated that they are in the handout provided.

Mayor Fagg asked if there was a way to find out how many people work in El Dorado and live elsewhere.

Ms. Jolly stated that one of the major projects for 2014 is a survey of employers in El Dorado in order to get that type of information.

Ron Garcia, Vice President BG Products, thanked the City Commission for their support on building the new plant in El Dorado.

Reggie Graham, HR Director of BG Products, shared information on the employment statistics at the El Dorado plant. He stated that 41 of their 193 employees live in Butler County. He also stated that there are 58 employees working in El Dorado and 29 employees who commute between the Wichita and El Dorado plants.

Mr. Garcia stated that approximately sixty percent of their process has been moved to El Dorado. He anticipated completion of the move in the first half of 2014.

BG PRODUCTS PUBLIC HEARING

Mayor Michael Fagg opened the public hearing.

There were no comments.

Mayor Fagg closed the public hearing.

Mayor Fagg asked who fills out the forms for the CDBG grant.

Chuck Beth, South Central Kansas Economic Development, stated he was the administrator for this grant. He stated that part of the requirements for the grant was the creation of jobs. He also stated that the grant could not be closed out until the public hearing was held and the paperwork was signed to disburse the final funds.

Mayor Fagg asked what an LMI job is.

Mr. Beth stated that anyone who makes eighty percent or less than the County's moderate income. BG Products was required to provide 51% of their jobs to LMI households.

Mayor Fagg asked if this information was from this quarter.

Mr. Beth stated that it was for the last quarter of 2013.

Mayor Fagg asked about the 24 people listed.

Mr. Beth stated that those individuals were new to BG Products.

Mayor Fagg asked about the civil rights demographics.

Mayor Fagg asked about the number of persons with disabilities.

Mr. Beth stated that the number included the whole County.

Mr. Beth stated that the demographics for the City were from the Census data and the other demographics page was specific to BG Products' employees.

Mr. Beth stated that it was only there in the case that the City paid an administrator.

Commissioner Chase Locke moved to authorize the Mayor and City Clerk to sign the closing documents for the CDBG grant.

Commissioner Nick Badwey seconded the motion.

Mayor Fagg asked about the budget.

Mr. Beth stated that the budget is negative because BG Products went above and beyond the required expenditure for the grant.

Commissioner Bill Young thanked Mr. Beth and BG Products for this opportunity and stated that El Dorado was very lucky to have them.

The other Commissioners echoed the sentiment.

Motion carried 5 – 0.

PUBLIC COMMENTS

Mayor Michael Fagg opened the floor for public comments.

There were no comments.

CONSENT AGENDA

Approval of Appropriation Ordinance 12-13 in the amount of \$1,094,198.12.

Mayor Michael Fagg asked what the prisoner care item was for.

City Manager Herb Llewellyn stated that it was the amount paid to the County.

Mayor Fagg asked about the clothing line item.

City Clerk Tabitha Sharp stated that it was for bunker gear.

Commissioner Bill Young moved that the Consent Agenda, as presented be approved.

Commissioner Chase Locke seconded the motion.

Motion carried 5 – 0.

RESOLUTION OF SUPPORT – HOUSING DEVELOPMENT – COHEN-ESREY

Scott Rickard, Assistant City Engineer, stated that Cohen-Esrey is applying to the State for tax credits in order to remodel the old middle school into affordable housing. He stated that the Commission passed a similar resolution last year, but the tax credits were not granted to the builders. They are asking for a resolution to reapply for those credits.

Commissioner David Chapin asked what a work force tenant was.

City Manager Herb Llewellyn stated that he was a member of the work force.

Commissioner Chapin confirmed that it would be senior housing and working population.

Mayor Michael Fagg asked if the City has any financial commitments to this project.

City Manager Llewellyn stated that we did not.

Mayor Fagg asked how this would affect other rental properties.

City Manager Llewellyn stated that they are aware of the project. Last year the other owners told the Stated that the housing is not needed. City Staff think that better housing is a need in El Dorado.

Linda Jolly, Economic Development Director, stated that a third party market study was done to assist with this project. She stated that the developers decided to include workforce individuals in order to not place a strain on existing senior citizen housing. She stated that the majority of the units will be subsidized.

Mayor Fagg asked if there was any merit in putting this topic in the paper so that others could voice their opinion.

Ms. Jolly stated that the vacancy rate in the existing subsidized units is less than ten percent. She stated that there are housing needs in this community for seniors and individuals with disabilities.

City Manager Llewellyn stated that housing is an area that the Commission has requested that staff look at. He stated that this application has to be turned into the State by the end of the month.

Ms. Jolly stated that other proposals are still being heard by the Housing Committee, but this one needed to be turned in because of the State deadline.

City Manager Llewellyn stated that this could encourage other landlords to do repairs to their rentals in order to compete with the new housing. The end result is a more appealing housing stock in El Dorado.

Commissioner Chapin stated he did not feel that the decision should be based on the idea that other rental properties might be hurt by this. He stated that if the Commission based their decision on that, then they would have to limit other businesses from coming to El Dorado.

Commissioner Chase Locke stated that he didn't feel that there are too many other options for the use of that building, and if a reliable company such as Cohen-Esrey wanted to develop it, we should encourage them.

Commissioner Bill Young stated that the Kansas Housing Corporation will not approve the application if they feel it is not needed. He stated that this letter of support will help to keep the old building in tact and part of the community. He stated that it would also increase the neighborhood revitalization possibilities.

Mayor Fagg stated he didn't feel it was good to make a decision on this without further publicizing it to the community.

Commissioner Young stated that if there was money involved in the process or they were asking for tax breaks, he would believe that it needed to be further vetted. This company is just asking for support to apply for tax credits at this time, something that is available to all developers.

Mayor Fagg asked if the property would go back on the tax rolls.

Mr. Rickard stated that it would, with a 95% rebate for five years.

Commissioner Nick Badwey moved to approve Resolution 2727, a Resolution supporting the application to the Kansas Housing Resources Corporation for housing tax credits by Cohen-Esrey Affordable Partners, LLC.

Commissioner David Chapin seconded the motion.

Motion carried 5 – 0.

AN ORDINANCE AMENDING TITLE 10 OF THE EL DORADO MUNICIPAL CODE PERTAINING TO SCHOOL ZONES AND SPEED ZONES

Scott Rickard, Assistant City Engineer, stated that staff are asking the City Commission to consider an ordinance reducing the speed limits on North Main and an ordinance extending the school zone. The school zone would be extended to the North of Wildcat Way and South of McCollum.

Mr. Rickard stated that staff have been working with KDOT over the last year on this. He stated that KDOT is conducting their own speed study, and these ordinances would be contingent on KDOT approval to show the support of the Commission for this plan.

Commissioner Chase Locke stated he is supportive of this change because of the increased traffic in the area for the new middle school. He asked if there is an expected completion date for the study.

Mr. Rickard stated that he was unsure.

Commissioner Bill Young stated that the new middle school is a really great facility. He stated that the challenge is that the only exit for the middle school goes straight into a 65 mph zone. He stated that it is important to let KDOT know that the City Commission is in support of reducing and extending the school zone.

Commissioner Bill Young moved that Ordinance No. G-1166, an ordinance extending the school zone on North Main St. contingent on KDOT approval, be adopted.

Commissioner seconded the motion.

Commissioner Locke encouraged individuals to keep an eye out in that area and to let the Commission know if improvements could be made.

City Manager Llewellyn stated that staff have recognized the hazard and have assigned the police department to watch the area in order to mitigate any problems.

Mayor Michael Fagg asked if there would be new lights.

City Manager Llewellyn stated that the only costs would be for moving the existing signs. He stated that staff thought it would be too confusing to implement two school zones.

Mr. Rickard stated that the area would be reduced to 45 mph.

Mayor Fagg confirmed that there were no other changes to the speed limits.

Mr. Rickard stated that he was correct.

ROLL CALL VOTE

Position No. 4	Commissioner David Chapin	Yes
	Mayor Michael Fagg	Yes
Position No. 1	Commissioner Chase Locke	Yes
Position No. 2	Commissioner Bill Young	Yes
Position No. 3	Commissioner Nick Badwey	Yes

Commissioner Bill Young moved that Ordinance No. G-1167, an ordinance reducing the speed zone on North Main Street, contingent on KDOT approval, be adopted.

Commissioner David Chapin seconded the motion.

ROLL CALL VOTE

Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner David Chapin	Yes
	Mayor Michael Fagg	Yes
Position No. 1	Commissioner Chase Locke	Yes
Position No. 2	Commissioner Bill Young	Yes

FEDERAL FUND EXCHANGE PROGRAM – INTERSECTION OF 6TH AND HAVERHILL

Scott Rickard, Assistant City Engineer, stated that over the last few years, there has been a need for a signal at Haverhill and 6th due to the increased development in the area. He stated that the intersection not only needs signals, but also some geometric improvements. He stated that City Staff has the ability to take advantage of the federal

exchange program which exchanges federal dollars for state dollars. Staff are asking the City Commission to allow the City Manager to sign an agreement with the State to utilize the exchange funds.

Mr. Rickard stated that the project will be done in phases, the first phase being the signal work. The cost of the signal work is \$150,000 and there is approximately \$113,000 available through the State.

Mayor Fagg asked what kind of project this money could be used on.

Mr. Rickard stated that it could be used for any transportation project.

Mayor Fagg asked if it could be used on Towanda Avenue.

Mr. Rickard stated that it could.

Mayor Fagg stated that he was in support of beginning the project on Haverhill and 6th with stop signs.

City Manager Herb Llewellyn stated that the majority of the time, 6th Street traffic does not need to stop; it would flow with the signals. If stop signs are added, than everyone will have to stop every time.

Mr. Rickard stated that it would be unsafe to put in stop signs because they are not visible due to the width of the road. He stated that the recommendation from staff is signalization or to leave it as is.

Commissioner Bill Young stated that there is an increased amount of traffic in the area and something should be done about that intersection.

Commissioner Chase Locke stated that when it is busy the signal would be important; stop signs would just impede the flow the rest of the time when it is slow.

Mr. Rickard stated that four-way stops are one of the most hazardous traffic areas.

Mayor Fagg asked if trucks were likely to run a signal.

City Manager Llewellyn stated that trucks are less likely to run a signal than they are to run a stop sign.

Mayor Fagg asked if the State would weigh in.

Mr. Rickard stated that there have been volume and turning movement studies done there.

Mayor Fagg stated that he would like to see those studies. He also stated that he thought this money could be better used on other road projects.

City Manager Llewellyn stated that this is the first step of the process. He stated that the City is looking at other sources as well.

Mayor Fagg asked if Wal-Mart paid for the signal at Village Road.

City Manager Llewellyn stated that they had.

Commissioner Locke stated that he understood where the Mayor was coming from, but he agreed that if no signal was put up, the intersection should be left as is.

Commissioner David Chapin stated that as more people began to work in the area, the signals would be needed.

Commissioner Young stated that he appreciated that staff had split the project into two parts so that the need for signals could be met and the other improvements could be done later.

Commissioner Chapin stated that he had heard that others were also looking for money to help out with the project.

Mayor Fagg asked where the rest of the money would come from.

City Manager Llewellyn stated it would come through more grants.

Commissioner Chase Locke moved to authorize the City Manager to execute for and on behalf of the City of El Dorado, Agreement No. 127-13 between the City of El Dorado and the Kansas Department of Transportation.

Commissioner David Chapin seconded the motion.

Mayor Fagg stated he believed that they needed to use all of the money they can to work on streets.

Commissioner Locke stated he believed this is an opportunity to be proactive especially since the area will only get busier.

Mayor Fagg stated that it is easier to go from stop signs to traffic signals than vice versa.

Commissioner Young asked what streets needed to be done.

Mayor Fagg stated he believed that streets were in worse shape today than they were twenty years ago.

Commissioner Young asked what streets.

Mayor Fagg stated he would be glad to show him.

Motion carried 4 – 1 (Mayor Fagg voted in opposition).

DISCUSSION OF THE NW CORNER OF 6TH AND MAIN

Scott Rickard, Assistant City Engineer, stated that Staff have investigated the problem of the northwest corner of 6th and Main and have come up with an option to help the problem.

Mr. Rickard stated that one option is to place a bell bollard on the corner. He stated that other communities have utilized this option and have alleviated truck issues. He stated that staff are also suggesting the placement of some red concrete on the corner to better differentiate between the sidewalk and the street.

Mr. Rickard stated that he was contacted by John Prather and he said he was willing to bring together the trucking organizations to discuss the problem further.

Commissioner Chase Locke stated he believed that the bell bollard and colored concrete were the least drastic of all available options.

Mr. Rickard stated that it seemed to be the least expensive way to deal with these errant truck drivers.

Commissioner David Chapin asked if they had seen any of the pipe carrying trucks make the corner.

Mr. Rickard they had not problems, they also have a rear axle.

Mr. Rickard stated that Engineering and Public Works' staff have spent a lot of time investigating the problem, and there are just a few errant trucks who get a little sloppy with their turns.

Commissioner Chapin asked if they City is liable if damage is caused to the truck by the bell bollard.

Jim Murfin, City Attorney, stated that if they are off the marked roadway, they are responsible.

Commissioner Chapin asked if the attorney for the trucking company would see it differently.

Mr. Murfin stated that he would not have any problem holding the trucking company responsible for any damage to the bell bollard.

City Manager Llewellyn stated that if a truck does navigate poorly and end up on the bell bollard, it will take some work to fix. He stated for the most part, the bell bollard serves the purpose of pushing the truck around the corner.

Mr. Rickard stated that it is the same issue that is had when someone hits a fire hydrant or signal.

Commissioner Chapin asked for clarification on the meeting.

Mr. Rickard stated that Mr. Prather has been involved in this process and has communicated his concerns as the largest trucking company in town. He stated he is willing to support us in finding issues to fix the issue.

Commissioner Chapin stated he would entertain any ideas that are good and allow the intersection to remain functional.

Commissioner Young stated that he was in favor of the bell bollard to protect pedestrians regardless of what else is done.

Mayor Michael Fagg stated that he felt if 6th Street was going to be a truck route, the lanes needed to be widened to accommodate the trucks. He also stated that he thought the truck route should be completely re-routed to the south trafficway.

Mr. Rickard stated that any principal arterial is now included in the National Highway System. He stated that there is no additional funding for this condition.

Mayor Fagg suggested that they make Central Avenue the truck route.

City Manager Llewellyn stated that he did not believe that the trucks needed to be downtown.

Mr. Rickard stated that the pavement thickness on the downtown portion of Central did not support truck traffic.

Commissioner Chapin stated he wanted to see what happens after the meeting with the trucking company.

There was consensus amongst the Commission.

PROJECT NO. 300-KLINK RESURFACING MAIN ST (KANSAS TO 4TH)

Scott Rickard, Assistant City Engineer, stated that bids had been received on the project to resurface Main Street. He stated that the Engineer's estimate was \$368,958.50 and the low bid was APAC Kansas with a bid of \$366,474.95. He stated that staff are asking that the bid be approved and awarded to APAC Kansas.

Mr. Rickard stated that this is part of the KLINK program in which the State of Kansas reimburses the City 50% of the project. He stated that the City portion would come from sales tax monies.

Mayor Michael Fagg stated that this project would be about thirty percent of our sales tax money, but he liked the 50% match so he did not have a problem with it.

Mr. Rickard stated that over the past few years they have put a little money back in the sales tax fund to prepare for this project.

Commissioner Bill Young moved that as APAC-Kansas has submitted the lowest and best bid for Project No. 300 in the amount of \$366,474.95 and was under the Engineer's Estimate, the City Manager be directed to award the contract to said contractor providing that the company furnish the proper bonds.

Commissioner Nick Badwey seconded the motion.

Motion carried 5 – 0.

RENTAL FEE FOR T-HANGARS

Brad Meyer, Public Works Director, stated that the T-Hangars have been completed and are ready to be filled.

Mr. Meyer stated that the Airport Advisory Board recommended the price be set at \$137.50 for single engine airplanes and \$162.50 for twin engine airplanes. Staff recommended that we charge \$175 per month for the larger T-Hangars based on other similar airports.

Mayor Michael Fagg asked if there was a waiting list for twin engine T-Hangars.

Mr. Meyer stated that there was not.

Mayor Fagg asked why the larger T-Hangars were built.

Mr. Meyer stated that it was done on the recommendation of the board.

Mayor Fagg asked why they did not build some large and some small hangars.

City Manager Herb Llewellyn stated that this was done based on the desire of the City Commission to do what was recommended by the Airport Advisory Board's business plan.

Mayor Fagg stated that he did not understand why the smaller ones were not built.

City Manager Llewellyn stated that it was done on the order of the City Commission. He stated that if smaller hangars were built, small planes could be housed and money could not be made off of fuel. Fuel purchases make more money for the airport than hangar rent.

Commissioner Chase Locke asked if the staff recommendation was for a certain size of plane.

Mr. Meyer stated that the recommendation from staff does not take into consideration the size of the plane, just the size of the hangar.

Commissioner Locked asked if they could meet in the middle.

Commissioner Bill Young stated that he was comfortable meeting in the middle, and did not believe that different sized planes should pay more or less.

Mr. Meyer stated that the average for other airports is \$163, if you take out the private airport, the average drops to \$150. He stated that Augusta's airport is \$178.

Commissioner Locke asked if other cities have prices for different planes.

Mr. Meyer stated that they did not find that.

Mayor Fagg asked if Augusta's hangars were like our new hangars.

Mr. Meyer stated that they were.

Commissioner Young stated that there are ten new T-Hangars that have more to offer than the old ones. He stated that \$150 seemed like a reasonable amount. He asked if others would consider a 5% increase for those outside the City limits.

Mr. Meyer stated that in El Dorado that is part of the standard pricing structure. He stated that other airports do not have that fee.

Commissioner Locke stated he was in support of the \$150.

Mayor Fagg stated that he was in support of the staff recommendation of \$175. He stated that it could be decreased later if they did not fill.

Commissioner Young asked if there was a waiting list for the smaller ones.

Mr. Meyer stated that there is a waiting list for the airport of ten individuals right now.

Commissioner Nick Badwey stated that he did not have a problem with the \$150 fee.

Commissioner David Chapin stated he was abstaining from the vote because he rents space at the airport.

Mayor Fagg stated he was concerned that the larger hangars would be getting the same amount as the smaller hangars.

Commissioner Young stated that it would not be the same if they pass the \$150 charge.

Commissioner Chase Locke moved that the rental fee for the new ten unit T-Hangar building be set at \$150 per month for all sizes of airplane.

Commissioner Nick Badwey seconded the motion.

Motion carried 4 – 1 (David Chapin abstained, and the abstention follows the majority, Mayor Fagg voted in opposition.)

NEW BUSINESS

Commissioner Chase Locke stated that his thoughts and prayers were with the family of Ralph Green who passed away yesterday.

Mayor Michael Fagg stated that he had read an article on pension debt and asked how it would affect the City.

City Manager Herb Llewellyn stated that he is hearing that it will not affect the cities as much as the schools' retirement systems because cities are funding their system.

Mayor Fagg stated that he received an e-mail on snow removal stating that when snow is removed, it is pushed from the streets onto business sidewalks.

City Manager Llewellyn stated that the City cleans the sidewalks and streets downtown. They also cut paths in the banks of snow so that people can get to the sidewalks from on-street parking.

Mayor Fagg asked if trees planted between the sidewalk and the curb were allowed.

City Manager Llewellyn stated that a certain type of tree is permitted in those areas.

Mayor Fagg asked if the houses on Star and 6th were torn down by the City.

Scott Rickard, Assistant City Engineer, stated that they were torn down by the home owners.

Mayor Fagg asked if it comes to the City Commission when staff want to tear down a house.

City Manager Llewellyn stated that tearing down blighted properties is part of the budget each year. He stated that if the property is going to be condemned, it comes to the City Commission.

Mayor Fagg asked what is done with the property afterwards.

City Manager Llewellyn stated that it is sold.

Mayor Fagg asked if the City had filed an application with the Division of Water Resources.

City Manager Llewellyn stated that we are working on the application.

Mayor Fagg stated that he had received a letter from the County asking him to participate in a meeting about water.

CITY MANAGER'S REPORT

City Manager Herb Llewellyn stated that Ralph Green's funeral is Saturday at 11:00 a.m. at the First United Methodist Church.

City Manager Llewellyn stated that the City has received its annual bill from REAP for both the general committee and the water committee. He stated that he would continue to only pay to be part of the general committee unless directed otherwise.

The Commission concurred.

City Manager Llewellyn stated that staff have investigated the current situation of water. He stated that in 2013, El Dorado was nine inches above the hundred year average. He stated that since September, the lake has only gone down an inch. He stated that the reason the lake has gone down is because the Corp of Engineers has been releasing water.

Commissioner Young stated that there needed to be an executive session to discuss personnel issues, but since it was late, he asked if the others would be interested in doing it another night.

Commissioner Badwey stated that it was fine with him as long as it was done at the next meeting.

Commissioner Locke agreed it needed to be done at the next meeting.

Mayor Fagg also agreed to do it at the next meeting.

Commissioner Chapin asked if the next meeting would be long.

City Manager Llewellyn stated that he did not foresee a long meeting.

Commissioner Chapin stated he was ok with the next meeting.

Commissioner Young directed staff to put it on the next meeting.

ADJOURNMENT

Commissioner Bill Young moved to adjourn the meeting at 9:34 p.m.

Commissioner David Chapin seconded the motion.

Motion carried 5 – 0.

City Clerk Tabitha Sharp

Mayor Michael A. Fagg

EL DORADO CITY COMMISSION MEETING

February 3, 2014

The El Dorado City Commission met in a regular session on February 3, 2014 at 7:00 pm in the Commission Room with the following present: Mayor Michael Fagg, Commissioner Bill Young, Commissioner Nick Badwey, Commissioner David Chapin, City Manager Herb Llewellyn, City Attorney Jim Murfin, Assistant City Engineer Scott Rickard, and City Clerk Tabitha Sharp. Absent: Commissioner Chase Locke.

VISITORS

Brad Meyer	222 E 2 nd	El Dorado, KS
Marci Fugarino	220 E 1 st	El Dorado, KS
James Cook	719 Fredrick Dr	El Dorado, KS
Julie Clements	El Dorado Times	El Dorado, KS
Cortney Woodard	1126 Shelden	El Dorado, KS
Hope Schemerman	308 N Gordy	El Dorado, KS

CALL TO ORDER

Mayor Michael A. Fagg called the February 3, 2014 meeting to order.

INVOCATION

Mother Christine Gilson, Trinity Episcopal Church, opened the meeting with an invocation.

PLEDGE OF ALLEGIANCE

The third grade class from Lincoln Elementary lead the pledge of allegiance.

PUBLIC COMMENT

Mayor Michael Fagg opened the floor for public comments.

There were no public comments.

CONSENT AGENDA

Mayor Michael Fagg stated that Callaway was spelled incorrectly in the Planning Commission Minutes.

Approval of the City Commission minutes November 18, 2013, December 2, 2013 and the Special City Commission Minutes for November 26, 2013.

Approval of Appropriation Ordinance 01-14 in the amount of \$1,070,130.36.

Commissioner Bill Young moved to approve the consent agenda as presented.

Commissioner Nick Badwey seconded the motion.

Motion carried 4 - 0.

PURCHASE OF A COMPRESSED NATURAL GAS DUMP TRUCK

City Manager Herb Llewellyn stated that this opportunity has presented itself recently and is not in the budget.

Public Works Director Brad Meyer stated that as part of City Staff's attempt to find better more efficient ways to operate, they have been demoing a CNG dump truck. The cost for CNG is about \$1.30 per gallon while deisel is about \$4. Staff have worked on arranging the 2015 budget so that the cost could be covered. The last new dumptrack that was purchased was in 1999.

Commissioner Bill Young asked what the gas mileage was on the newest truck.

Mr. Meyer stated that it was about three to five miles per gallon.

Commissioner Young asked what the mileage was on the new one.

Mr. Meyer stated they ran 12 to 15 miles per gallon.

Commissioner Nick Badwey asked if all CNG trucks get better mileage.

City Manager Llewellyn stated that it is done in terms of an equivalent between natural gas and diesel.

Mr. Meyer stated that anytime you are comparing costs, it may not be good because the trucks are not equivalent.

Commissioner Young asked how big the tank was on the 1999.

Mr. Meyer stated it was about 60 gallons.

Commissioner Young asked if they would get more work out of the CNG than the deisel.

Mr. Meyer stated that they would.

City Manager Llewellyn stated that natural gas is clean, so oil changes are not necessary as often.

Commissioner David Chapin asked how big the new truck was.

Mr. Meyer stated it was a 13 yard bed, a tandem axle.

Commissioner Chapin asked how much a deisel of the same model would cost.

Mr. Meyer stated that it would be about \$135-138,000.

Commissioner Chapin asked how they would fill it up.

Mr. Meyer stated that they have begun the process to have our own fueling station here.

Commissioner Chapin asked how much that would cost.

Mr. Meyer stated that it would be about \$50,000. He stated that most of the work would be in house.

Commissioner Chapin stated that the cost was essentially equivalent.

Mr. Meyer stated that it was. He stated that that the diesel trucks cost more to maintain.

Commissioner Chapin stated that from his research, it was the wave of the future. He stated he had concerns about getting ahead of the wave.

Mr. Meyer stated taht the Cities of Kansas City, Missouri and Lawrence, Kansas have already switched their school bus fleets to CNG. He also stated that California and Oklahoma are switching over to CNG.

Commissioner Badwey stated that he had heard KCI was already all CNG. He stated that they are very quiet trucks.

Mr. Meyer stated that LDF is switching their fleet of trucks over to CNG. He stated that he has been looking at CNG garbage trucks as well because the savings on fuel would be incredible.

Commissioner Young confirmed that the first payment was due in 2015, and that things could be arranged so that an increase in the budget would not be necessary.

Mr. Meyer stated that they will be putting off the acquisition of a new front end loader in 2015 in order to beable to purchase this truck.

Commissioner Chapin stated his biggest concern was that there would be no savings until more trucks were brought on to CNG. He asked if there were issues with the gas sitting in the tank for a long time.

City Manager Llewellyn stated that it was an issue with LNG, liquefied natural gas, and not CNG. He stated that the first vehicles that will be converted are the ones that use the most fuel.

Mr. Meyer stated that the trash trucks and police cars will be first.

Commissioner Chapin stated that there are a lot of positive things about this. It will just cost a lot of money.

City Manager Llewellyn stated he thought that it would cost between \$2,000 and \$4,000 to convert. He stated that they believe we will be able to order patrol cars that operate on CNG next year.

Commissioner Chapin asked how long it would take to upgrade.

Mr. Meyer stated that it would be approximately 60 days for the use of City vehicles only.

Commissioner Chapin confirmed it would be only one truck.

City Manager Llewellyn stated he was correct.

Mayor Michael Fagg asked if there were any major repairs on the dump trucks recently.

Mr. Meyer stated there are both minor and major repairs done every year.

Mayor Fagg asked who we buy unleaded and diesel from.

Mr. Meyer stated that it is bid out every month.

Mayor Fagg asked if Frontier Refinery would be willing to sell us gas at cost because of the water we sell them.

City Manager Llewellyn stated that there had been discussions with them.

Mr. Meyer stated that the dock at El Dorado is not always the lowest bid.

City Manager Llewellyn stated that our storage will not take a semi load and so it is not as efficient as buying a full truck.

Mayor Fagg stated he agreed with Commissioner Chapin that he did not want to be ahead of the curve on the CNG wave either. He also stated it is important to consider depreciation and insurance on the new vehicles.

Commissioner Badwey stated that based on the fact that they could buy the truck for \$40,000 less than the sticker value, we should try it out and see how it works.

Commissioner Chapin stated that the savings on maintenance would be large.

City Manager Llewellyn stated that there is also a large piece of equipment in the Public Utilities budget for this year, and they have been encouraged to bid CNG vehicles.

Mr. Meyer stated that they also researched the diesel, tier four, vehicles. He stated that there are more maintenance costs and these vehicles have to reboot every so many miles per federal regulations. He stated that this holds up work.

Commissioner Young stated that right now 25% of the trash trucks in the country operate on CNG. He stated he would like to make a small move like this to see how it works. He stated that being able to arrange the budget for a project that will save the City money eventually is a positive move in his opinion.

City Manager Llewellyn stated that this will take the place of a 2015 budget item and will also help us to ask for less money for fuel in the future.

Commissioner Chapin asked how many gallons of fuel an equivalent truck burns per year.

Mr. Meyer stated approximately 2000 gallons.

City Manager Llewellyn asked how many we own.

Mr. Meyer stated that Public Works owns three and Public Utilities owns one.

City Manager Llewellyn asked what the total fuel budget was for the year.

Mr. Meyer stated that his trash budget was \$60,000 and major streets and public works are \$35,000 each.

Commissioner Chapin stated that short term we would not be saving money, but in the future, it will save much more.

Mr. Meyer stated that doing some rough comparisons, we would be able to pay off the conversions for 12 vehicles in four years.

Commissioner Chapin stated he was not against the idea at all, but wanted everyone to understand that it would start us off in the hole. He believed it would be about five years before there were visible savings.

Mr. Meyer stated that this is done with a lot of things in the City, such as the LED traffic signals. The initial expense was put forward and we are just now seeing savings.

Commissioner Chapin stated he wanted to have a plan of more than one truck and how it would be budgeted out over the next few years.

Commissioner Young confirmed that instead of taking action tonight, Commissioner Chapin would like to see the plan.

City Manager Llewellyn stated that the plan could be presented.

Commissioner Young asked to see it at the next meeting.

Mayor Fagg stated he agreed.

Commissioner Young stated that it was a good opportunity to make a plan.

PROJECT NO. 421 – PAVING BELMONT HEIGHTS 3RD ADDITION

Scott Rickard, Assistant City Engineer, stated that bid were received. He stated that the Engineer's estimate was \$188,120.00, Cornejo and Sons bid was \$163,251.40 and APAC Kansas' bid was \$166,840.50.

Mr. Rickard stated that staff are asking the Commission to consider awarding the contract to Cornejo & Sons.

Commissioner Bill Young moved that as Cornejo & Sons has submitted the lowest and best bid for Project No. 421 of \$163,251.40 and was under the Engineer's estimate, the City Manager be directed to award the contract to said contractor providing that the company furnish the proper bonds.

Commissioner David Chapin seconded the motion.

Motion carried 4 - 0.

INCREASE THE RENTAL FEE FOR THE TRAIN DEPOT AND OPEN EAST SIDE FOR PUBLIC RENTAL

Suzie Locke, Director of Activities, Sales and Services, stated staff are proposing a rental increase since the East side of the building has become vacant.

Commissioner Bill Young confirmed that the West side is rentable for \$25.

Ms. Locke stated that he was correct.

Commissioner Young confirmed that the proposed increase would be to \$35.

Ms. Locke stated that it was comparable with similar facilities in town.

Commissioner David Chapin asked if there was an opportunity to rent it out permanently, if those rates had been discussed.

City Manager Llewellyn stated that it would require discussion amongst staff and the City Commission.

Commissioner Chapin asked who rents the Depot.

City Manager Llewellyn stated it is mainly baby showers, birthdays, etc...

Commissioner Young stated he had seen some home businesses rent it out.

City Manager Llewellyn stated that they did as well.

Ms. Locke stated that there had been some requests from businesses and they had been told that it was undergoing renovations for public rental.

Commissioner Chapin asked if it would be rented daily or full time.

Ms. Locke stated that staff would like to rent it out daily and give the public the opportunity to rent the full facility.

City Manager Llewellyn stated that the thought is to open up more rental space because we are turning individuals away because the demand is so high.

Ms. Locke stated the Civic Center is often booked now as well, so this gives people a less expensive option.

Commissioner Nick Badwey moved to approve Resolution 2728, a Resolution supporting the changes to the Train Depot rental application and facility rental fees.

Commissioner David Chapin seconded the motion.

Mayor Michael Fagg stated that he thought the out of town fee should be doubled.

Mayor Fagg asked how many of the rentals were non-resident.

City Clerk Tabitha Sharp stated she believed about twenty or thirty percent of rentals were from out of town.

Ms. Locke stated that even if the non-resident rate was double the resident rate, it would still be less than other privately owned facilities.

There was consensus amongst the City Commission to double the resident rate for non-residents.

Motion carried 4 - 0.

AERIAL LUMINARIES

Steve Moody, Fire Chief, stated that common names for aerial luminaries are sky lanterns or floating lanterns. He stated that the device for fuel heats the air so that the luminary will remain in the air until extinguished.

Chief Moody stated that eleven other states have issued bans on these items, and the Kansas legislature is considering the ban currently.

Chief Moody stated the problem is that the luminary doesn't go out before it reaches the ground; they can get hung up in trees or on roofs.

Commissioner David Chapin asked if these were sold last year.

City Manager Herb Llewellyn stated that they were sold last year and there had only been one minor incident in the City. He stated that there was discussion about this last year, but it was too late in the season to ban them.

Commissioner Chapin stated that he didn't think they were very safe.

Commissioner Bill Young asked if anyone was aware of the discussion in the Kansas Legislature.

Chief Moody stated it had not been passed yet, but was unsure if there was an issue.

Commissioner Young stated he did not want to pass the ordinance if there was not an issue in the City of El Dorado. He stated that he did believe they could be dangerous. He stated that he thought that if there was a real concern about fires than the whole fireworks situation should be approached differently.

Commissioner Young stated that he was not against this, but he wanted to caution the Commission against passing ordinances because everyone else is.

Mayor Michael Fagg stated he agreed, and thought we should wait to see what the State was doing.

City Manager Llewellyn asked if orders for fireworks had already been placed.

Commissioner Young stated that it is done in the spring.

There was consensus amongst the Commission to look at this item in the spring after the State had more time to vet the issue.

City Manager Llewellyn asked if it would be ok to go ahead and tell the fireworks' stands that the ban is being considered.

NEW BUSINESS

Commissioner Bill Young stated that over the last few weeks, there have been citizens contacting the Commission regarding the pitbull ban. He stated he would like to see staff schedule a work session, get the history on the ban, and encourage the group to come speak about the subject.

Commissioner Young stated that he would like to see both sides send in their opinions.

Commissioner Badwey agreed.

Mayor Michael Fagg stated that staff could give this group their research as well to help them understand.

Commissioner Young stated he wanted to have a special session to get all of the information out before a regular Commission meeting.

City Manager Herb Llewellyn stated that he thought the meeting should be at night. He thought that scheduling it in March would give everyone time to get their information.

Mayor Fagg stated he would like it if the other parties could send their information as well so it could be looked at before the meeting.

There was consensus amongst the Commission to have a public meeting.

Commissioner Nick Badwey encouraged everyone to be careful in the snow.

City Manager Llewellyn stated that it was going to be very cold, so everyone should be prepared. He stated that employees were sent home early today to prepare for the 12 hour shifts.

Commissioner David Chapin echoed the previous comments on pitbulls and snow.

Commissioner Chapin gave the employees kudos for the ice removal.

Commissioner Chapin asked if there was a plan for downtown and how to eliminate the drifts on the sidewalks.

City Manager Llewellyn stated that yes there is a plan. He stated that the first thing they do is open the primaries and then widen them, then they work on secondaries and then residential. The employees who do not drive a truck take snow blowers down town to clear sidewalks and public utilities staff will take a backhoe out to remove as much as possible. The primary goal will be to open the roads. He stated Parks & Recreation and Public Utilities will be in early in the morning to do parking lots and sidewalks.

Commissioner Chapin stated that the snow doesn't go away very fast and it is important to remove it as quickly as possible.

Mayor Michael Fagg asked how many individual policies in the City of El Dorado.

City Manager Llewellyn stated he believed there were a lot.

Mayor Fagg asked how often they are updated.

City Manager Llewellyn stated that they are updated when needed. He stated that most of the items in the book are never seen by the Commission because they are about internal management decisions.

Mayor Fagg stated that he thought that a manual should be looked at periodically. He asked if the personnel manual should be voted on by the Commission.

City Manager Llewellyn stated that he changes personnel policies as he sees fit. He stated that all of the personnel policies are directed by the City Manager in the City of El Dorado.

Mayor Fagg asked if the department heads could come before the Commission annually to present what is going on in their department.

City Manager Llewellyn stated that it has been done previously during budget time. He stated that if the Commission has questions they should present them prior to the presentation so that they can be prepared to answer any questions. He stated he would take it to staff and develop a schedule.

Commissioner Young stated he thought it was a good opportunity for the Department Heads to present information about their departments.

CITY MANAGER'S REPORT

City Manager Herb Llewellyn stated the storm has been pushed back a few times today, and was expected to be here later in the evening.

City Manager Llewellyn congratulated the El Dorado High School forensics team for placing at State.

EXECUTIVE SESSION

Commissioner Nick Badwey moved to recess into an Executive Session for the purpose of discussing non-elected personnel, and to reconvene the regularly scheduled meeting in the City Commission room at 9:05 p.m.

Commissioner Bill Young seconded the motion.

Motion carried 4 – 0.

Mayor Fagg called the meeting back to order at 9:05 p.m.

Commissioner Nick Badwey requested an additional 45 minutes for Executive session and to reconvene at 9:50 p.m.

Commissioner Bill Young seconded the motion.

Motion carried 4-0.

Mayor Fagg called the meeting back to order at 9:50 p.m.

Commissioner Nick Badwey requested an additional 30 minutes for Executive session and to reconvene at 10:20 p.m.

Commissioner David Chapin seconded the motion.

Motion carried 3-0. Commissioner Young stayed in the room.

Mayor Fagg called the meeting back to order at 10:25 p.m.

Commissioner Young moved to sign the employment contract with the City Manager that includes a 3 1/2 percent merit increase in pay, post-dated to January 1st, 2014.

Commissioner David Chapin seconded the motion.

Motion carried 4-0.

ADJOURNMENT

Commissioner David Chapin moved to adjourn the meeting at 10:26 p.m.

Commissioner Bill Young seconded the motion.

Motion carried 4 – 0.

City Clerk Tabitha D. Sharp

Mayor Michael A. Fagg

EL DORADO CITY COMMISSION MEETING

February 17, 2014

The El Dorado City Commission met in a regular session on February 17, 2014 at 7:00 pm in the Commission Room with the following present: Mayor Michael Fagg, Commissioner Chase Locke, Commissioner Bill Young, Commissioner Nick Badwey, Commissioner David Chapin, City Manager Herb Llewellyn, City Attorney Jim Murfin, Assistant City Engineer Scott Rickard, and City Clerk Tabitha Sharp.

VISITORS

Steve Moody	220 E 1 st Ave	El Dorado, KS
Brad Meyer	220 E 1 st Ave	El Dorado, KS
Phil Wickwire	Elks' Lodge	El Dorado, KS
Darla Carter	Family Life Center	El Dorado, KS
Suzi Thien	SCARF	El Dorado, KS
Fred Kropf	2001 W Towanda	El Dorado, KS
James Cook	719 Fredrick	El Dorado, KS
Julie Clements	El Dorado Times	El Dorado, KS

CALL TO ORDER

Mayor Michael A. Fagg called the February 17, 2014 meeting to order.

INVOCATION

Pastor John Harms opened the meeting with an invocation.

PLEDGE OF ALLEGIANCE

Phil Wickwire of the El Dorado Elks' Lodge led the pledge of allegiance.

PERSONAL APPEARANCE

Fire Chief Steve Moody presented the Commission with a State of the Fire Department address.

Mayor Michael Fagg asked why no one had seen their insurance rates change with the change in the ISO.

Chief Moody stated that individuals should argue the point with their insurance company.

Commissioner Nick Badwey stated that even though fire insurance costs went down, other types of insurance are going up.

Mayor Fagg asked if the EMS is short employees in Butler County.

Chief Moody stated that the fire department assists in calls to keep response times down. All of the agencies try to assist each other in Butler County to provide the best possible service.

Mayor Fagg asked if it would be more efficient for the department to have a smaller EMS truck.

Chief Moody stated that it is something that he and the City Manager are considering.

City Manager Llewellyn stated that this presentation was part of the plan to have department heads present once per month.

PUBLIC COMMENT

Mayor Michael Fagg opened the floor for public comments.

There were no public comments.

CONSENT AGENDA

Approval of the City Commission minutes from January 21, 2014 and February 3, 2014.

Approval of the 2014 CMB license for Prairie Trails Golf and Dining.

Commissioner Bill Young moved to approve the consent agenda as presented.

Commissioner Nick Badwey seconded the motion.

Motion carried 5 – 0.

PROJECT #434-2016 GEOMETRIC IMPROVEMENT CENTRAL AVE. (EMPORIA – DENVER)

Scott Rickard, Assistant City Engineer, stated that the City has been awarded a geometric improvement grant for improvements on Central Avenue in front of the hospital. Staff are proposing removal of the on-street parking and the addition of a turning lane to assist in preventing accidents in the area.

Mr. Rickard stated that the project will also include a mill and overlay of Central.

Mr. Rickard stated that the State will be paying 90% of the cost and the project will be done in the Spring.

Mayor Michael Fagg asked what the green line was for.

Mr. Rickard stated that the green line was the original property line.

Mayor Fagg asked if the State looked at the intersection of Denver and Central. He stated he would like to know what they think about it since the middle school is done.

Mr. Rickard stated that the State probably does not feel that it is necessary. Staff feel the signal is necessary to allow vehicles to go on to Central and to allow pedestrian traffic.

City Manager Herb Llewellyn stated that parts are on order to repair that signal so that the automatic function will work again. He also stated that conversations should be held about the signal if the old middle school is repurposed into housing.

Mayor Fagg asked what the cost was on a traffic signal.

Mr. Rickard stated that it was a minimal cost for only the electric bill.

Mr. Rickard stated that there will be minimal disturbance to add the turn lane.

Commissioner Bill Young moved that Ordinance No. G-1168, an ordinance designating Central Avenue (U.S. HWY 254) within the City of El Dorado as a main traffic way, be approved.

Commissioner David Chapin seconded the motion.

ROLL CALL VOTE

Position 1	Commissioner Locke	Yes
Position 2	Commissioner Young	Yes
Position 3	Commissioner Badwey	Yes
Position 4	Commissioner Chapin	Yes
	Mayor Fagg	Yes

Commissioner Chase Locke moved that Resolution No. 2729, a resolution authorizing the improvement or re-improvement of a main traffic way within the City of El Dorado, and providing for the payment of the costs thereof, be approved.

Commissioner Nick Badwey seconded the motion.

Motion carried 5 – 0.

PAVING TOWANDA (FREDRICK – EDGEMOOR)

City Manager Herb Llewellyn stated that there has been discussion about this topic amongst the City Commission. He stated that the township and the County are considering putting money in towards paving the area.

City Manager Llewellyn stated the project tonight will bring the portion of the road up to City standards that is located within the City limits.

Assistant City Engineer Scott Rickard stated that the project could go three ways: the City Commission can initiate the project and a protest petition can be circulated; the property owners can circulate a petition; or no action can be taken.

Mr. Rickard stated that after bond counsel review the project, they would be ready to initiate the project at the next Commission meeting.

Commissioner David Chapin confirmed that this would be from the bridge to Edgemoor.

Mr. Rickard stated that he was correct, from Fredrick to Edgemoor.

Mayor Michael Fagg stated that the intersection at Towanda and Douglas road needed to be repaired.

City Manager Llewellyn stated that it is on the list of intersections to be fixed.

Mayor Fagg asked what has been done since the meeting with the County.

City Manager Llewellyn stated that he has discussed it with the County Administrator. He stated that he thought that the Mayor was going to discuss the project with Fred.

Mayor Fagg stated he thought that the City Manager was going to discuss it with Fred.

Mayor Fagg asked if the County had pledged any funds.

City Manager Llewellyn stated that he thought they would be willing.

Mayor Fagg stated he thought that the County Commissioners were supportive of the project.

City Manager Llewellyn stated that this portion will assist with the portion inside the City limits. The City Commission needs to decide if they are willing to just to a portion of the project.

Mr. Rickard stated that to do a six inch base would mean also doing a rock slope to ensure that the edge of the road does not drop off. He also stated if they only resurface the road, it will not last long and staff will have to request money again in a few years.

Mayor Fagg stated he would like to see the Boyer and 6th project so that he can see a similar project.

City Manager Llewellyn stated that Mr. Rickard had provided it to his assistant, and the City Commission should receive it soon.

Commissioner Chapin stated he believed that they should begin with this piece and then look at the area west of the bridge.

Commissioner Bill Young asked how often the City does streets this way.

City Manager Llewellyn stated that it is common.

Mr. Rickard listed Country Club, McCollum, Oil Hill, Village, 3rd and School as Commission initiated projects.

Commissioner Chase Locke stated that if the City wanted Towanda done, they might have to do the portion of the project that they are able to right now.

Mayor Fagg asked why the portion next to Graham is only \$4,800 when the adjacent property owners are the same.

Mr. Rickard stated that there might be a formula error there, it should be more than what it states. He stated that this could benefit the residents of El Dorado because they will not be assessed the costs of the project.

Mayor Fagg asked if the excess sales tax committee has discussed this project.

City Manager Llewellyn stated that one member did bring it up, and that her first suggestion was to pay for Fred's portion, but then she thought that a sidewalk might work for the individuals who are walking on the street.

Mayor Fagg stated he believed that the excess sales tax monies should be used for this project.

City Manager Llewellyn asked how much was available in the excess funds this year.

City Clerk Tabitha Sharp stated that there was approximately \$200,000. The committee typically leaves one mill in the fund to be used if sales tax collections go down, so that left about \$120,000.

City Manager Llewellyn asked how much the Towanda Avenue project was.

Mr. Rickard stated that it was about \$1.3 million if they do it all the way to Haverhill.

Mayor Fagg asked the City Manager to talk to the sales tax committee about the project at their next meeting.

Commissioner Locke stated that he had heard from his appointee that they were interested in the other proposed projects.

More discussion was held on the use of the sales tax.

Commissioner Chapin stated that without changing the City policy, they should just concentrate on the portion that can be done right now.

Mayor Fagg asked if a public meeting would be affective.

City Manager Llewellyn stated that there would be a meeting during the process. He stated that by doing this portion now, it gives the City Commission the opportunity to make a real street out of this portion.

Commissioner Locke and Commissioner Badwey stated that they are in support of the currently proposed project.

City Manager Llewellyn stated that if the citizens in the area petition out, then they can discuss having the entire project being overlaid.

Mayor Fagg stated he was trying to cover the curb and gutter so that the County would contribute.

Commissioner Chapin stated that the curb and gutter on the west side would never pass.

Fred Kropf, 2001 W Towanda, stated that he thought 300 feet of the proposed project was in the Township.

City Manager Llewellyn stated that it was not in the benefit district.

Mayor Fagg stated that he felt that the excess sales tax would be a good source of funding.

Commissioner Young stated that the committee had discussed it and it did not pass.

More discussion of the sales tax committee.

Commissioner Chapin asked where the assessments ended up on Boyer.

Mr. Rickard stated that they came in under.

Commissioner Chapin asked how long it would take to get the assessments correct.

Mr. Rickard stated that the assessments would be ready tomorrow, and the bond council work would be done by the next meeting.

Commissioner Chapin asked staff to look at the overlay west of the bridge to find out what the cost is on that so that maybe it could be done at the same time.

Mayor Fagg asked what would happen if they let the township do that portion.

Commissioner Chapin stated they could look into that.

Mr. Rickard stated that he would get that information.

Commissioner Chapin stated that if they could get the first portion done, the second portion would be easier.

DISTRIBUTION OF LIQUOR TAXES AND COURT FEES

City Clerk Tabitha Sharp stated that the requests for Liquor Tax and Court Fee monies for 2014 have been received. She stated that the liquor tax program received \$70,637.16 in 2013. Per State Statute, one third of the revenue placed in the Special Parks and Recreation Fund must be allocated to the liquor tax program. That amount is \$11,772.86. She stated that the balance in the account is \$17,285.71.

Ms. Sharp stated that the court fee program received \$7,338.00 in 2013. She stated that the balance in that fund is \$10,413.50.

Ms. Sharp stated that applications had been received from SCARF and Family Life Center for both funds, and from the Elks' Lodge for the court fee monies.

Commissioner Nick Badwey confirmed the money was available to fund all of the requests.

Ms. Sharp stated that the money was available.

Commissioner Bill Young moved to allocate the portion of the liquor tax monies in the Special Parks & Recreation Fund in the following manner and to authorize the City Manager to execute the appropriate documents and contracts with the following recipients and that these funds are disbursed consistent with Kansas statutes:

Requesting Organization	Requested Amount	Commission Allocation
SCARF	\$2,500.00	\$2,500.00
Family Life Center	\$5,000.00	\$5,000.00
Total	\$7,000.00	\$7,000.00

Commissioner Nick Badwey seconded the motion.

Mayor Michael Fagg asked if the City was required by law to give that money out.

City Manager Herb Llewellyn stated that it was passed by the City Commission when the use of liquor tax monies was restricted by the State.

Mayor Fagg asked if the City subsidized the court system.

City Manager Llewellyn stated that separately, the court did fine. He stated that when the police department was added in to the fund, it had to be subsidized.

Mayor Fagg stated he would like to see the copy of their tax forms.

City Manager Llewellyn stated that they do get that information. He stated that the mistakes on the Family Life Center financials were corrected over the phone. He stated that he did not require them to send new ones because the responsible employee was ill and he felt that he could explain it to the City Commission.

Commissioner Chapin stated he thought they were all worthy programs.

Motion carried 5 – 0.

Commissioner Nick Badwey moved to allocate a portion of the court fees in the General Fund in the following manner and to authorize the City Manager to execute the appropriate documents and contracts with the following recipients and that these funds are disbursed consistent with Kansas statutes:

Requesting Organization	Requested Amount	Commission Allocation
SCARF	\$1,500.00	\$1,500.00
Family Life Center	\$3,000.00	\$3,000.00
Elk's Lodge #1407	\$2,000.00	\$2,000.00
Total	\$6,500.00	\$6,500.00

Commissioner David Chapin seconded the motion.

Motion carried 5 – 0.

CNG CONVERSION PLAN AND PURCHASE OF A COMPRESSED NATURAL GAS DUMP TRUCK

Brad Meyer, Public Works Director, stated that he has brought back a plan on the implementation of the CNG program.

Commissioner David Chapin asked how far back they would go to switch vehicles to CNG.

Mr. Meyer stated that it would depend on the use of the vehicle. He also stated it would depend on if the vehicle was able to be converted.

Commissioner Chapin asked how often they had to fill up a dump truck.

Mr. Meyer stated that it is twice a day when plowing snow.

Commissioner Chapin stated that the he had read that the distance they are able to travel on a CNG tank is smaller.

Mr. Meyer stated that if there is a vehicle that is going to be traveling a large distance than they have to plan their trips better. He stated that the mileage on the truck they are purchasing is about 600 miles per tank.

Commissioner Chapin stated he spent time looking over information on CNG, and saw that smaller tanks will go fewer miles on one tank. He asked if the trucks will be able to run long enough to do their job.

Mr. Meyer stated that they would; there will be some vehicles that fill during the day and others that will be slow filled overnight.

Commissioner Bill Young confirmed that the new police cars will be bi-fuel.

Mr. Meyer stated that he was correct.

Commissioner Chapin stated his objection was if the cost savings was ten years out. He also was concerned about the size of tank and how long the vehicles could go.

Mr. Meyer stated in most cases the mileage will improve because it burns cleaner.

Commissioner Chapin stated that he felt more entities will be moving in this direction for their fleets.

Commissioner Chase Locke stated he felt the same.

Mr. Meyer stated that strictly looking at fuel costs; CNG is \$1.85 a gallon while we are currently paying \$3 and \$4 a gallon.

Commissioner Chapin asked how many vehicles would be able to fill at once.

Mr. Meyer stated he would anticipate one fast fill nozzle and two fast fill nozzles.

Commissioner Chapin asked if we were considering converting tractors and backhoes.

Mr. Meyer stated the only large piece of equipment being considered was the street sweeper.

Mayor Michael Fagg stated he looked at the dump trucks today and was impressed with the way they are kept up.

Mayor Fagg stated he talked to someone at LDL and they hadn't moved to CNG yet.

Mr. Meyer stated that they have six total trucks they are running right now. They are only buying CNG trucks through their attrition program.

Mayor Fagg stated that this was not in the budget, new to the area, and there are three refineries in Kansas. He stated he would like to see the bugs worked out before we take it on. He also stated that he wanted to see what the refineries had available before the City switches to this.

Commissioner Young stated that he felt cities all over the country are moving towards this. He felt that they were working out the bugs. He did research on the subject as well and found a City that projects \$17,000 per year by switching to this technology. He felt that it has been proven by trucking companies, school districts and other cities. He felt that it is important to be a good steward to the community in saving money and being a leader in encouraging environmental protection.

Commissioner Young stated that they have seen the cost of fuel go up even though the amount of work being asked of the employees is not going down. He stated he felt that this is an opportunity to help the citizens by saving money and protecting the environment.

Commissioner Young stated that another positive is that CNG is safer than other fuels.

Mayor Fagg stated that the population of El Dorado is 13,000, the City of Wichita is thinking about it and their population is larger. He stated he would like to see larger cities do it first.

City Manager Llewellyn stated it is more difficult to change a larger organization than it is to change a smaller City. He stated that many entities are moving to this because it saves money. He stated that it would be easier to just ask for an increase in the mill levy than to change to CNG, but staff are tasked with making the most out of their budgets.

Mayor Fagg stated he would like to see how the gallons of gas have increased over the years.

Mr. Meyer stated that in 2003 they used 43,000 gallons of fuel at about \$1.25 a gallon, in 2012 they used 55,000 gallons at \$3.16 per gallon. He stated diesel in 2003 was 35,000 gallons at \$1.21 per gallon, and in 2012 they used 49,000 gallons at \$3.41 per gallon.

Mayor Fagg asked why there was an increase in usage when the town hasn't grown.

Mr. Meyer stated that more work is being done due to an aging infrastructure, which causes an increase in fuel usage. They also changed snow removal policies.

Commissioner Nick Badwey stated that they had more equipment to do work assigned by the Commission.

Commissioner Nick Badwey moved that the lease agreement for purchase of a CNG dump truck be approved.

Commissioner Bill Young seconded the motion.

Mayor Fagg asked why it is being leased.

City Manager Llewellyn stated that it is on the CIP for 2015.

Mayor Fagg confirmed the money was in the budget to pay for it in 2015.

City Manager Llewellyn stated that they did, based on whether or not the Commission approves the budget.

Mayor Fagg asked why they did not use the money in the reserve fund.

City Manager Llewellyn stated that it would be a cash expense that wasn't planned, but that staff will do whatever the Commission would like.

Motion carried 4 – 1 (Mayor Fagg opposed).

NEW BUSINESS

Commissioner David Chapin thanked the City staff for cleaning streets during the snow event.

Commissioner Nick Badwey also thanked staff for cleaning the streets.

Commissioner Badwey asked if the Mayor could talk about the County Water meeting.

Mayor Fagg stated that he had it in his report.

Mayor Fagg requested an income and expense report on the wind turbine, airport, golf course and the football field.

City Manager Llewellyn stated that nothing had been spent at the football field in 2013.

Mayor Fagg asked if employees were sent to work.

City Manager Llewellyn stated that they had checked on some lighting in the parking lot. He stated that we do own the playground and do work there.

Mayor Fagg stated that he went to the State of the City of Wichita. He felt it was a good public relations meeting.

Mayor Fagg stated that there was a meeting in Newton put on by the Kansas Water Office. He stated that they discussed electric production in the State of Kansas relies heavily on reservoirs.

City Manager Llewellyn stated that staff have looked at this idea, and the only way to do it is to put a generator in our pipe. He stated that staff did not do it because we would not be able to provide water to outside customers such as Augusta.

Mayor Fagg stated that there is 6% sediment in El Dorado Lake. He also stated that they mentioned that sediment will be a big problem in the future.

Mayor Fagg stated he felt that El Dorado needed to keep an eye on these topics to ensure that we are not adversely affected by the legislation in 2015.

Mayor Fagg stated that the County is attempting to create a County Committee on Water. He stated that the goal of the committee is to facilitate the discussion on the future of water in Butler County and to encourage collaboration amongst the communities.

Mayor Fagg stated they asked at the last meeting for entities to return with an elected person to staff the committee.

Mayor Fagg stated that he was concerned that the City Manager stated he could sign a contract with the City of Wichita to sell them water.

City Manager Llewellyn stated that the City Commission has set water rates and so he does have the authority to do it. He stated it is the policy of the City to sell water to anyone who asks and we have the ability to do it.

Commissioner Chapin stated he did not believe this would ever be a problem.

Mayor Fagg stated he thought there should be a policy to prevent this from happening.

Commissioner Badwey stated he did not believe the City Manager would do that without first coming to the City Commission.

Commissioner Locke stated he understood what Mayor Fagg was saying, but felt that the City Manager would not enter into such contract without first discussing it with the Commission.

Mayor Fagg stated he felt that everything should be public.

City Manager Llewellyn stated that the City doesn't operate that way. The fees for out of town have been set by ordinance by the City Commission.

Mayor Fagg stated that he felt there should be an out of County rate as well.

City Manager Llewellyn stated that the City does have a policy stating which customers are served first.

Mayor Fagg stated he would like to be the member on that committee.

Commissioner Locke confirmed that the Mayor could not make decisions on behalf of the City Commission.

Commissioners Nick Badwey, Bill Young and Chase Locke asked what would be voted on.

City Manager Llewellyn stated that the County will be sending out the Resolution in the next week or two listing the objectives of the committee.

More discussion was held on the purpose and goals of the committee.

Commissioner Badwey stated he would like to see the Resolution before a decision is made.

There was consensus amongst the Commissioners that they would look at the Resolution before appointing anyone to the committee.

Mayor Fagg asked if there had been an arrangement letter from the auditor.

City Manager Llewellyn stated he would check on it.

CITY MANAGER'S REPORT

City Manager Herb Llewellyn stated that he had planned to talk about the water meetings and they had already been discussed.

EXECUTIVE SESSION

Commissioner Bill Young moved to recess into an Executive Session for the purpose of discussing legal matters, and to reconvene the regularly scheduled meeting in the City Commission room at 10:17 p.m.

Commissioner Nick Badwey seconded the motion.

Motion carried 5 – 0.

Mayor Fagg called the meeting back to order at 10:17 p.m.

ADJOURNMENT

Commissioner Bill Young moved to adjourn the meeting at 10:18 p.m.

Commissioner Chase Locke seconded the motion.

Motion carried 5 – 0.

City Clerk Tabitha D. Sharp

Mayor Michael A. Fagg

EL DORADO CITY COMMISSION MEETING

March 3, 2014

The El Dorado City Commission met in a regular session on March 3, 2014 at 7:00 pm in the Commission Room with the following present: Mayor Michael Fagg, Commissioner Chase Locke, Commissioner Bill Young, Commissioner Nick Badwey, Commissioner David Chapin, City Manager Herb Llewellyn, City Attorney Jim Murfin, Assistant City Engineer Scott Rickard, and City Clerk Tabitha Sharp.

VISITORS

Judith Storandt	105 Race	El Dorado, KS
Bob Hendricks	American Legion	El Dorado, KS
Jason Hughey	220 E 1 st	El Dorado, KS
Jason Reiswig	220 E 1 st	El Dorado, KS
Steve Moody	220 E 1 st	El Dorado, KS
Suzie Locke	220 E 1 st	El Dorado, KS
Kevin Wishart	220 E 1 st	El Dorado, KS
Tony Yaghijan	220 E 1 st	El Dorado, KS
James Cook	719 Fredrick Dr	El Dorado, KS
Julie Clements	El Dorado Times	El Dorado, KS
Ryan Murry	1830 Quail Run	El Dorado, KS
Eugene Herrmann	405 School Rd	El Dorado, KS

CALL TO ORDER

Mayor Michael A. Fagg called the March 3, 2014 meeting to order.

INVOCATION

Mayor Michael Fagg opened the meeting with an invocation.

PLEDGE OF ALLEGIANCE

Bob Hendricks led the pledge of allegiance.

PUBLIC COMMENT

Mayor Michael Fagg opened the floor for public comments.

Judith Storandt, 105 Race St, stated that she supports the Community Market and would like for the City Commission to seriously consider the project.

Bob Hendricks, 1801 W Central, Commander of the American Legion requested the reimbursement for the resurfacing of the parking lot. He stated per the lease agreement, the City of El Dorado would pay for maintenance including driving and parking surfaces.

Mr. Hendricks stated that he was unaware of the terms of the lease and the work has already been done.

City Manager Herb Llewellyn stated that his assistant sent the call to the Parks Department who is in charge of the Legion. The Parks Director was unable to reach Mr. Hendricks. He stated that in his absence last week, the Public Works Director called him.

Mayor Michael Fagg asked if the City owns the lease on the parking lot.

City Manager Llewellyn stated that the City leases everything that is taxable.

Mayor Fagg asked what they should do from here.

City Manager Llewellyn stated that staff will be happy to review the information.

Commissioner Nick Badwey asked how much the invoice was for.

City Manager Llewellyn stated it was for \$67,208.

Commissioner Chase Locke confirmed that no contact was made to the City prior to the repair of the parking lot.

City Manager Llewellyn and Mr. Hendricks confirmed that there was not.

CONSENT AGENDA

Approval of the City Commission minutes from February 17, 2014.

Approval of Appropriation Ordinance 02-14 in the amount of \$1,630,553.25.

Mayor Michael Fagg stated he would like to have a conversation on the ICMA costs.

Mayor Fagg asked what was on the beginning of the appropriation report.

City Clerk Tabitha Sharp stated that it was the listing of each individual check written by the City.

Mayor Fagg stated he would like to see how this relates to the budget. He asked why money was not transferred into the capital accounts. He stated that he did not know how the City did with the 2013 budget.

City Manager Herb Llewellyn stated that staff perform that duty, it does not go through Commission. The money transferred is money that is approved to be spent by the City Commission during the budget process. He also stated that the quarterly report provides information in regards to how the City is following the budget.

Mayor Fagg stated that the County Commission transferred the money into the capital accounts according to their agenda.

City Manager Llewellyn stated that the County is a different form of government, and their Commission approves each individual check.

Mayor Fagg stated that the quarterly reports do not tell him anything. He stated he would like to know how they matched up with budget the year before and in 2013.

City Manager Llewellyn stated that the information is given out in the budget book each year.

Mayor Fagg asked if it was in the current book.

Tammy Schaffer, Finance Director, stated that it would be in the budget book prepared for 2015 which is delivered by August 25th.

Mayor Fagg asked how they are supposed to know anything about the budget if they do not see it until August.

City Manager Llewellyn stated that the information is provided prior to the budget process.

Mayor Fagg stated that it was March and he hadn't seen anything yet.

Commissioner Bill Young clarified that the budget process begins in the spring.

Mayor Fagg stated that he was the only one on the Commission concerned about it, so they could move on.

Commissioner Young stated that the Mayor's statement was disingenuous. He stated if he has questions regarding the reports given, he asks staff and they answer them.

Ms. Schaffer stated that staff begin working on the budget in December of the previous year.

City Manager Llewellyn stated that he could show all of the times they have discussed the budget in his Manager's report.

Mayor Fagg requested that the City Manager show him where he has discussed the 2013 budget in the Manager's reports.

City Manager Llewellyn stated that he could provide that. He also stated that the first item on the agenda this evening was for the 2015 budget. He stated that it was March. He also stated that the Commission would hear about how the City did last year.

Mayor Fagg stated he felt like there was more they could do to be accountable.

Commissioner David Chapin asked what the numbers from last year would say. He stated that they would only give revenues and expenses.

Mayor Fagg stated that they could use those numbers to prepare for 2014.

Commissioner Chapin stated that they do that already during the budget process.

City Manager Llewellyn stated that we follow State law by publishing quarterly.

Mayor Fagg asked if it gives a format.

City Manager Llewellyn stated that he would have to check.

Mayor Fagg stated that he does not like the current format.

Commissioner Chase Locke stated that he felt he had a good understanding of where the City was from the weekly reports. He stated that if the Mayor wanted a different format, maybe he could work with staff to find a report that he understands.

Commissioner Young stated that this work needed to be decided on by the whole Commission so that staff are not wasting time on several different reports.

Mayor Fagg asked if he could see the whole report to see if there was more information.

Commissioner Chapin asked if it would be difficult to provide.

Ms. Sharp stated that it was up to the Commission.

Commissioner Bill Young moved to approve the consent agenda as presented.

Commissioner Nick Badwey seconded the motion.

Motion carried 5 – 0.

SALES TAX ADVISORY COMMITTEE RECOMMENDATION

Ryan Murry, 1830 Quail Run, Chairman of the Sales Tax Committee stated that the total sales tax collections for 2013 were \$2,369,316.03. He stated that after amounts are deducted for the ordinance requirements in addition to the additional property tax reduction of 3.49 mills allowed by the Commission, approximately \$90,000 is left. He stated that with the balance in the fund, there was approximately \$200,000 for allocation this year.

Mr. Murry stated that the sales tax committee decided to keep one mill in the fund for a cushion. He stated that it left \$120,000 in the fund for allocation. He stated that the committee is recommending that the Community Market be funded for \$50,000, the Fire Station Training Facility for \$42,465 and Summit Park resurfacing be awarded half of the \$60,000 request.

Commissioner Nick Badwey asked if only half of the play area could be surfaced.

City Manager Herb Llewellyn stated that staff would have to find the other half.

Commissioner Chase Locke stated that he would like to hear more about the Community Market.

City Manager Llewellyn stated that over the years, the Commission has requested that staff look into providing a space for a farmer's market. He stated that recently the home lumber building has become available. He stated that this building has increased the abilities of the building, which brought forward the idea of a community market that is available for more than just the farmer's market.

Commissioner Locke stated that he understood that this location could provide more possibilities and he had heard good things about this idea.

Commissioner Locke asked if the Fire Station Training Facility was a joint project.

Mr. Murry stated that the college is only requesting the surface for the facility.

Commissioner Bill Young confirmed that Summit Park was the only handicapped accessible park surface in the City. He stated that the surface has begun to separate and makes it difficult to operate wheel chairs on the surface.

Commissioner Young asked if this would have to be done every nine years.

City Manager Llewellyn stated that this would be part of the Parks and Recreation master plan and when it is done again, it will be a poured in place surface which should have a longer life.

Commissioner Young stated he wanted the City to plan for the future and plan for maintenance in the future.

City Manager Llewellyn stated his view of the future was that it would be maintenance driven and not a sales tax project.

Commissioner Young stated he supported the Community Market and saw the Fire Station as a good partnership opportunity.

Mayor Michael Fagg thanked Mr. Murry for his service on the committee. He asked if he knew where the \$50,000 was spent for economic development.

Mr. Murry stated that it was part of the ordinance so the committee did not have control over that.

City Manager Llewellyn stated that an example of how that money is spent is the incentives for BG Products.

Mayor Fagg asked why the sales tax committee was spending more on property tax reduction.

Mr. Murry stated that the 3.49 mills differed depending upon the mill levy.

Ms. Schaffer stated that it ranged from \$79,000 to \$80,000 typically.

City Manager Llewellyn stated that this policy was not new, that it began when the Mayor was on the Commission before.

Mayor Fagg stated that the excess sales tax was not ear marked for city government expenditures.

City Manager Llewellyn stated that the Mayor was a part of the Commission that voted to allow the 3.49 mills in additional property tax reduction. He stated that the policy has not changed, the mill levy changes yearly though.

City Manager Llewellyn stated that when they lowered the mill levy by allowing the additional property tax reduction, they tied the hands of the sales tax committee to keep it.

Mayor Fagg stated that the extra was not made part of the law.

City Manager Llewellyn stated he was correct, but the only way to fix it was to decrease services or increase the mill levy.

Mayor Fagg asked who was going to buy the building.

City Manager Llewellyn stated the City was.

Mayor Fagg confirmed that we would be taking on all of the costs associated with the building.

Suzie Locke, Activities, Sales and Services Manager stated that the current property tax amount is \$1,037.18 for the building, she stated that of that the City of El Dorado gets \$532.78. She stated that the city also receives \$231.49 in stormwater fees. It is predicted that with the community market, the City would receive about \$1900 in displaced sales tax, \$200 in new sales tax, \$2,500 in member's fees and about \$500 in special event registrations.

Ms. Locke stated that staff understand that by taking it off the tax rolls it will affect others. The State of Kansas will go from receiving \$16 in property tax to \$11,000 in sales tax. USD 490 would lose the \$71 in property tax, but the market would serve approximately 56% of their population on free and reduced lunch. This would give those children access to fresh produce throughout the times when meals are not provided by the schools. She stated that the County would receive \$500 in sales tax as opposed to \$400 in property tax.

Ms. Locke stated that the college is the only entity without a measurable impact. She stated that they will be able to use the facility through their culinary and agricultural departments.

Mayor Fagg questioned how the CVB money would be used to promote this.

Ms. Locke stated that this is an excellent opportunity to bring people to the City of El Dorado. She stated that this will keep vendors in our community that currently go to Wichita to sell.

Mayor Fagg asked why the City has to do this when a 501C3 group could do it.

Ms. Locke stated that this building will put back into the sales tax program that they are requesting money from. Therefore when money is needed in the future, they will have built the fund through their contributions.

Mayor Fagg asked if this would be tied to the summer program at Walnut Valley Packing.

Ms. Locke stated that no decisions have been made regarding who will be involved because there has been no space. She stated that several groups are involved in bringing this to fruition.

Commissioner Locke stated that the young leaders in El Dorado are excited about this plan.

Ms. Locke stated that she could also read four of the objectives from the City's Comprehensive Plan that this project will help meet.

Mayor Fagg asked if the City would make money off of it.

Ms. Locke stated that this will help grow a community space that is unique to the area.

Mayor Fagg stated that he was part of the discussion on the Civic Center when it was built, and it has not performed as they said it would.

City Manager Llewellyn stated the problem with the Civic Center is that there was no group in place to manage and market it. That has just come together in the last year.

Ms. Locke stated that in just six months of marketing the Civic Center, they increased the income by \$20,000.

Mayor Fagg compared not having a plan for the Community Market to what the City Manager stated was the issue with the Civic Center. He stated that the same problem was going to happen.

City Manager Llewellyn clarified that now there is a marketing manager, so the community market will not have the same issue.

Commissioner Locke stated that this is a wonderful quality of life addition to the community.

Mayor Fagg asked if the City owns the Numana Building.

City Manager Llewellyn stated that the City Commission sold it for a dollar.

Mayor Fagg stated that it could have been used for this purpose.

Commissioner Locke stated that it was different. This building's location makes it more attractive to the farmer's market and others interested in the community market. He stated that it is easier for kids to get to.

Ms. Locke stated that this location is walkable from Skelly school where 77% of the children are on free and reduced lunch.

Mayor Fagg stated it was the school's responsibility to help them.

Ms. Locke stated that this building is about more than a farmer's market and more than just helping children who need the assistance.

Mayor Fagg asked why the county building could not be used for that.

Ms. Locke stated that the city does not own the county building and therefore cannot decide what is in it.

Mayor Fagg stated that the City should discuss a collaboration with the County.

Ms. Locke stated that there is not a person like her at the County to provide this service.

Commissioner Locke asked if there was something that the Mayor was in favor of in place of this project.

Mayor Fagg stated that he does not, he felt that we cannot continue to develop new projects or we will eventually run out of money as we become responsible for a dying project.

Commissioner Locke stated that he did not like saying that every project dies, he felt that this project has the opportunity to be successful.

Mayor Fagg stated that CVB money should be used to help the hotels.

Ms. Locke stated that it would drive traffic to our community which will increase traffic at our hotels.

Mayor Fagg asked if the hotels agreed that this will bring business.

Ms. Locke stated that she has not gone to the individual hotels, but the information has been provided in weekly e-mails and she hoped that they would have said something if they did not agree with the project.

Ms. Locke also pointed out that the purpose of CVB money was not to help hotels, it was to promote travel and tourism per State Statute.

Mayor Fagg stated he did not want the City to buy another building.

Mayor Fagg asked what the two dissenting votes on the committee were in favor of.

Mr. Murry stated they were in support of Towanda Avenue improvements.

Mayor Fagg asked if Mr. Lagrisse was on a committee.

Ms. Locke stated that he is part of the current farmer's market, many of them were at the public hearing for the sales tax committee.

Mayor Fagg pointed out that Mr. Engler was concerned that there was not a plan.

Ms. Locke stated that Mr. Engler was in support of the building, he just wanted to talk more about the plan.

City Manager Llewellyn stated that the City has not set rules for a community market because they do not have a building and are not knowledgeable about the stake holders.

Ms. Locke stated that there are other groups that have a financial investment in the program.

Mayor Fagg asked why it couldn't be discussed with the County to use the current building.

Ms. Locke pointed out again that the City does not have ownership of that building.

Commissioner Locke stated that in the proposed facility, people will be able to pull in and sell from their vehicles.

Commissioner David Chapin asked if this would take some of the vendors off of Central and Main.

City Manager Llewellyn stated that some of that will still be seen.

Mayor Michael Fagg asked how the grocery stores would feel about the farmer's market.

Ms. Locke stated that there is already a farmer's market competing with the grocery stores.

Mayor Fagg stated that the City is not involved in the current market.

Ms. Locke stated the City supports it with the way finding signs.

Commissioner Chapin asked if the building will be used during other times.

Ms. Locke stated that they hope to use it for an additional civic space and also as a space for a winter market, flea market, antique show, movie night and many other ideas.

Ms. Locke stated that it is a qualifying historic building and this is an opportunity to preserve that building.

Commissioner Locke stated there were many diverse groups supporting this and trying to make it a successful venture.

Commissioner Young stated that this has been a discussion amongst the Commission for at least the last two years. He stated that there is a large community in the area that would like to be able to take advantage of the fresh produce.

Mayor Fagg asked if the Kansas Turnpike was in the City of El Dorado.

Scott Rickard, Assistant City Engineer, stated that the property just on the West side of Boyer is in the City limits.

Mayor Fagg stated that he wanted to point out that the KTA is in the City limits but Mr. Kropf is not, so he cannot be assessed.

Mayor Fagg stated that it stated in the minutes that the Township pledged \$40,000. He asked where that number came from because he came up with \$116,000 for the project.

City Manager Llewellyn stated that for a 4 inch overlay the number was approximately \$80,000 and that the Township said they would pay half of that cost.

Scott Rickard, Assistant City Engineer, confirmed that he was correct.

Mayor Fagg stated he wanted to again clarify that Mr. Kropf and the KTA could not be treated the same.

City Manager Llewellyn stated that he was aware of that, he stated that the Mayor was the one that keeps linking the two.

Mayor Fagg asked if the City Manager knew what was in the minutes.

City Manager Llewellyn stated he did, he was at the meeting. He clarified again that the Mayor is the one that continues to link the Boyer project and the Towanda Avenue project. He stated that the Mayor has been promoting Fred not paying or paying less.

Mayor Fagg stated that the Township is paying his.

City Manager Llewellyn stated that they are paying half of the project, not Mr. Kropf's portion.

Mayor Fagg wanted to clarify that Mr. Kropf was not the same as the KTA.

City Manager Llewellyn stated that he was doing what the Mayor asked of him when he discussed that project. He asked the Mayor to read the whole section of the minutes from the sales tax minutes.

Discussion ensued about the 6th and Boyer project.

Commissioner Chapin stated he appreciated the time and effort Mr. Murry put into the committee.

The other Commissioners also thanked Mr. Murry and the Committee.

Mayor Fagg stated he was worried if they kept spending money from this fund, they would run out.

Commissioner Chapin stated that the money would not run out. He stated that each year they allocate the previous year's collections.

Mr. Murry pointed out that the reason the committee elects to leave a mill in the fund is in the case that collections are lower than anticipated.

Commissioner Chapin asked how many other cities have a farmer's market that is supported by the City.

Ms. Locke stated she did not know a number, she gave an example of the City of Marion who uses their market for a purpose similar to the one proposed.

Commissioner Chapin stated that Great Bend also had one that is publicly owned.

Mayor Fagg stated that he felt the County should work with us to develop this out of their building.

Commissioner Bill Young moved to open the public hearing.

Commissioner Chase Locke seconded the motion.

Motion carried 5 – 0.

Mayor Michael Fagg opened the public hearing.

There were no further comments.

Mayor Fagg closed the hearing.

Commissioner Nick Badwey moved to accept for consideration the Sales Tax Advisory Committee's recommendations on the use of uncommitted sales tax for 2013.

Commissioner Bill Young seconded the motion.

Motion carried 5 – 0.

PROJECT NO. 295 PAVING TOWANDA (FREDRICK TO EDGEMOOR)

Scott Rickard, Assistant City Engineer, stated that they are considering setting the public hearing for the paving of Towanda from Fredrick to Edgemoor. He stated that the public hearing would be held on April 7th. He stated the property owners would have twenty days after that date to protest the project.

Mayor Michael Fagg asked if the number has been set for each property.

Mr. Rickard stated that it is an estimate. The City goes above and beyond the statute and sends letters to each individual explaining the assessment. The assessment will not go above what has been estimated unless they determine that they want a larger driveway.

Mayor Fagg asked if he understood what was being asked for on Boyer.

Mr. Rickard stated he wanted a line by line cost breakdown.

Mayor Fagg stated that he wanted a breakdown of the costs of bridges, roads and stormwater and where all of that came from.

Mr. Rickard stated that he had examples of multiple projects. He stated that 6th and Boyer followed the improvement district policy.

Mayor Fagg asked if federal monies were given for this project.

Mr. Rickard stated that they received \$750,000 for the City-at-large portion. He stated that the City also received a grant for the paving of 6th North of Oil Hill, and that money was also applied to the City-at-large portion.

Mayor Fagg stated that there are two bridges involved in the Boyer project. He stated that the costs on the Towanda Avenue project are more event though there are not any bridges.

Mr. Rickard stated that the 6th and Boyer project was much larger and so the costs were spread further. He stated that School Road was a project similar to Towanda Avenue. Mr. Rickard stated that the cost of the entire project is divided by the area and then a cost is assessed per square foot.

Mayor Fagg asked if the costs changed when the adjustment was made for the park.

Mr. Rickard stated that by reducing the project to within the City limits, it actually made the assessments smaller.

Mayor Fagg asked if the numbers are set before the public meeting.

Mr. Rickard stated that the costs go down typically at the end of the project when all of the numbers have been received.

Commissioner Young confirmed that during the public meeting, the citizens will be given a not to exceed number.

Mr. Rickard stated that staff always tell citizens that the Commission's desire is not to exceed the original estimate unless the citizens requests a change.

Commissioner David Chapin asked if any of the Boyer project estimates went down.

Mr. Rickard stated that they all did.

Mayor Fagg confirmed that staff are considering doing this project and then will talk about doing west of the bridge.

Mr. Rickard stated he was correct.

Mayor Fagg stated he felt that they should do the second part as soon as they could so that the Township did not change their mind.

Commissioner Chapin asked if the Mayor was talking to them.

Mayor Fagg stated he was talking to them.

Commissioner Chapin asked if that was why they would change their mind.

Mayor Fagg stated he felt that if they were willing to do it now, the City should not wait.

Commissioner Chapin stated that they could work on part two after they are sure that part one will pass. He stated that it will be more expensive to do the overlay without the first half.

Mayor Fagg asked why they wouldn't do it all at once.

Commissioner Chapin explained that they needed the citizens' approval to move ahead with the project in the city limits first. It was part of the procedure.

Mayor Fagg asked what procedure and stated he would like to see it in writing.

Mr. Rickard stated that it was in the policy book that he has.

Commissioner Nick Badwey moved that Resolution No. 2730, a resolution calling and providing for the giving of notice of a public hearing on the advisability of the making of a certain internal improvement in the city of El Dorado, Kansas, under the provisions of K.S.A. 12-6a01 *et seq.*, as amended and supplemented; and providing for the giving of notice of said hearing (paving improvements/project no. 295).

Commissioner Chase Locke seconded the motion.

Motion carried 5-0.

PURCHASE OF NEW GOLF CARTS

Jason Hughey, General Manager Prairie Trails Golf and Dining, stated he was present to discuss purchasing new golf carts. He stated that they have had to repair 13 of the current fleet due to failed batteries. He stated that the purchase is in the 2015 budget, but staff fear that they will fail before then.

Mr. Hughey stated the cart warranty expires in June and it will begin costing the City money to fix the carts.

Mr. Hughey stated the advisory board has requested sixty carts on a four year lease option.

Commissioner Nick Badwey asked how many tournaments happen where we have to rent extra carts.

Mr. Hughey stated that there are four, but the cost is paid for entirely by the tournament.

Commissioner Chase Locke asked how many more carts this would give.

Mr. Hughey stated it would give five extra carts.

City Manager Herb Llewellyn stated that it did not make sense to actually purchase the 15-20 extra carts needed for the larger tournaments.

Mr. Hughey stated that all 55 carts were only out for regular daily play about half a dozen times.

Commissioner David Chapin asked what the life of a cart was.

Mr. Hughey stated that they are on a four year plan. He stated that usage, maintenance and upkeep all make a difference. He stated that most golf courses have to trade carts out every four years.

City Manager Llewellyn stated that Jason Reiswig, Golf Course Superintendent, was also here to talk about managing the fleet.

Mr. Reiswig stated as play increases the batteries will have to be replaced. He stated that there are six batteries per cart at \$111 per battery.

Commissioner Locke stated he has talked to some people and they have been on carts that have died. He asked what the benefit is for purchasing all of the carts at the same time.

Mr. Hughey stated that if they get them all at once, they will renew the warranty on all of the carts.

Commissioner Locke asked if they could trade in only half of the carts.

Mr. Hughey stated that it would affect the trade in value when they wanted to replace the fleet.

City Manager Llewellyn clarified Commissioner Locke's question. He stated that it is about a regular cycle. He stated it would be a bad reflection on the City to send people out in bad carts.

Commissioner Locke asked if we would sell the current fleet.

City Manager Llewellyn stated he would try to sell as many as he could and trade in the rest. He stated that selling them would affect the price that we were given because it included the trade in.

Commissioner Locke stated he felt that it was the Commission's responsibility to continue to care for the golf course since it had been purchased.

Commissioner Bill Young stated that according to the table provided on the agenda, his preference would be to go with a lease option. He stated it's a piece of equipment that has to be refreshed every four years. He asked what kind of deal was given on the lease.

City Manager Llewellyn stated the payment will be in arrears. He stated that the first payment would be in 2015.

City Manager Llewellyn stated that the City would bid the lease purchase and so the interest rate would not be as high.

Commissioner Badwey asked what the advantage was to leasing over buying.

City Manager Llewellyn stated that it would be one check for \$160,000 to buy and four checks for \$40,000 to lease. He stated by purchasing out right they save the interest. However, if you purchase you have to come up with \$160,000 every four years instead of budgeting the smaller amount every year.

Commissioner Young stated it did reflect badly on the City to have bad carts out. He said that these carts are used much more than personal carts and needed to be maintained.

Commissioner Young stated that he did not want the grounds crew focusing on cart maintenance when they need to be on the golf course. He stated he was in favor of the lease.

Commissioner Chapin asked if there were twenty unusable carts this currently.

Mr. Hughey stated that they are all in service after the repairs.

Commissioner Chapin asked what would happen if they did twenty carts each year.

Commissioner Young stated it would be the same payment.

Commissioner Badwey stated it would be difficult to predict which carts needed to be replaced.

Commissioner Badwey asked what the delivery date would be.

Mr. Hughey stated it was May.

Mayor Michael Fagg stated that this is why he wanted to see the golf course revenue and expense report. He also wanted to see a usage report without the tournaments.

Mr. Hughey stated it is hard to predict, it can be anywhere from half to all of the fleet out on any given day.

Mayor Fagg stated in the City of Wichita they have 11 tournaments scheduled.

Commissioner Badwey asked how many are scheduled at Prairie Trails.

Mr. Hughey stated there were 24.

Mayor Fagg asked if those tournaments were costing us money.

Mr. Hughey stated that the tournaments make money for the golf course.

Mayor Fagg stated that it would only be \$35,000 to purchase batteries. He stated that he thought they should replace the batteries and continue to maintain the carts as long as possible, like he has done with his personal cart.

Commissioner Young stated a personal cart cannot be compared to these carts because the use is not the same.

Mayor Fagg asked if they were in the budget, because this is the first he has heard about needing carts.

City Manager Llewellyn stated that this has been discussed in previous years, but that they were not failing and so it was decided to postpone the purchase. He stated that the staff are working on providing the revenue and expense reports requested by the Mayor for the next meeting.

Commissioner Locke asked if they could decide at the next meeting so they could look at Commissioner Chapin's suggestion.

Mr. Hughey stated that if they do it that way, there will be 35 carts not under warranty that will cost more to fix.

Commissioner Young reminded them that the cost is the same no matter how many they lease at a time. He stated if the least option is done, then it becomes a budgeted item every year and all repairs are covered.

Mayor Fagg stated the golf carts look nice. He still felt they could be maintained for longer. He stated that leasing was \$22,000 more than a purchase. He also asked what kind of warranty work had been done on carts.

Mr. Reiswig stated that there had been battery work, front end work, charger repair, windshield replacement and other things.

Mayor Fagg stated that it was caused by recklessness.

Mr. Reiswig stated that not necessarily, he stated that some items just go bad.

Mayor Fagg stated he thought we could continue to replace batteries like he had in his cart and they would be ok.

Commissioner Young stated that there was not 9,000 hours on his personal cart.

Commissioners Locke and Young supported a lease for 55 carts.

Mayor Fagg asked where the money would come from.

City Manager Llewellyn stated it would come from the general fund.

Commissioner Nick Badwey moved that the lease agreement for a four-year lease option for fifty-five new golf carts be approved.

Commissioner Bill Young seconded the motion.

Commissioner Chapin confirmed with the lease there is a four year warranty and the same on the purchase.

Mr. Hughey stated he was correct.

Commissioner Chapin asked why they wanted to lease.

City Manager Llewellyn stated that it was a regular payment.

Commissioner Chapin confirmed that the interest would not be \$22,000 if bid through a bank.

Commissioner Young confirmed that it would be lower if we bid through a local bank.

Commissioner Badwey amended the motion to purchase the carts instead of leasing them.

Commissioner Chase Locke seconded the motion.

Commissioner Locke confirmed they would try and sell some of the carts.

Mr. Hughey stated that they would.

Mayor Fagg stated he would still like to see them replace the batteries. He also stated that they could have used the money from the driving range for this or the money from the cart paths.

Commissioner Young stated the new cart paths would improve the longevity of the carts.

City Manager Llewellyn stated that the cart paths will also increase playing time.

Motion carried 4 – 1 (Mayor Fagg opposed).

NEW BUSINESS

Commissioner Chase Locke stated he has had a few questions regarding the recycling carts.

City Manager Llewellyn stated that the new recycling carts will be delivered at the end of March, they will be bright blue. He stated that glass will no longer be able to be recycled. He stated that recyclables will be put in loose instead of in bags.

City Manager Llewellyn stated that when the City started selling the co-mingled material, the new company does not take glass. He stated the cart will go straight to the compactor and the bails will be shipped.

Commissioner Badwey stated that the annual pancake feed is tomorrow at Trinity Episcopal Church.

Mayor Michael Fagg stated he had a person call to ask when the roads in the cemetery were going to be fixed.

Scott Rickard, Assistant City Engineer, stated that he was not aware of budgeted monies. He stated that they did work with grindings at Belle Vista. There has been discussion about the others.

City Manager Llewellyn stated it has been discussed but does not know the answer currently.

Mayor Fagg stated that he had not received a petition from anyone at Prairie Trails.

City Manager Llewellyn stated he would send it out.

Mayor Fagg stated we need to change the language on membership to greens fee and cart fees.

CITY MANAGER'S REPORT

City Manager Herb Llewellyn stated that the State is considering changing some rules with unfunded mandates. He stated that information will have to be collected on stormwater after each larger rain event.

Mayor Fagg requested a fact sheet to be proactive with their legislators.

City Manager Llewellyn stated that they could provide it.

City Manager Llewellyn stated that there is also an unfunded mandate for animal shelters. They are doubling permit fees for the shelter.

City Manager Llewellyn stated that the State also wants to raise the water protection fee seven cents this year and another five in 2018. He stated that this revenue will go to work on siltation. He stated that it was his understanding that the money would go to John Redmond and to pay the debt on the State lakes that are not selling water.

Mayor Fagg asked if they needed to discuss the Resolution from the County.

City Manager Llewellyn stated that they might comment on it, there wasn't need to act on it tonight. He stated that he could communicate to the County that because the City just received it, they needed more time to digest it.

Mayor Fagg reminded everyone that it was a committee. He also stated that it was a Resolution for the County and does not bind the City in any way.

Mayor Fagg suggested the Commissioners visit with County Commissioner Mike Wheeler.

Commissioners Locke and Badwey stated they were concerned about the portion on policy decisions.

Commissioner Locke stated he thought it was a brainstorming group and was concerned about financial policy decisions.

Commissioner Badwey asked how binding these policies would be.

Mayor Fagg stated that it was his understanding that they would have to wait for each member to return to their governing body for a decision.

City Manager Llewellyn stated that they cannot make decisions on the water in El Dorado Lake because they do not own it.

Commissioner Badwey stated he wanted to be a good neighbor, he also felt it was more important to be a good representative of the people of El Dorado who are responsible for the debt. He stated that he felt that because we have the rights to the water, there should be more representation on the committee.

Mayor Fagg stated he wasn't sure we could ask for more representation since it was a County driven committee. He stated he felt it was important to be part of the conversation.

City Manager Llewellyn stated he agreed.

Commissioner Badwey stated that there were two County Commissioners on the committee.

Mayor Fagg stated he could pose that question to the County.

Commissioner Young stated he would like the Commission to review the resolution and understand what the context of this committee is. The representative on the committee should represent the whole Commission's view.

Mayor Fagg stated that the meeting was taped and the minutes were a very small part of it.

Commissioner Young stated that he understood, he wanted to make sure the City's representative understands the City's position.

Mayor Fagg stated he did not know how it would go over to ask for two seats on the committee in regards to other communities in Butler County.

Commissioner Locke stated that he felt since El Dorado owns the water and is responsible for the debt, they should be given a reasonable voice in the matter.

Mayor Fagg stated that he read the rights to the water are vested by the State of Kansas. The City of El Dorado has a vested interest in almost half and a perfected interest in the other half. He stated he felt that there is enough gray area that they do not know what the State will do. He stated they needed to be proactive.

Commissioner Locke stated that the City is the one who has carried the project and he wants to make it clear what the City's responsibility is.

Mayor Fagg stated he thought Mr. Bailey did a good job of explaining it.

City Manager Llewellyn stated that there is a work session scheduled next week for El Dorado Inc. and pit bulls.

City Manager Llewellyn stated that if they held the discussion on the water committee resolution at a later date, they could inform the County that the City needed longer.

Mayor Fagg stated that it was requested that he attend a REAP transportation meeting.

City Manager Llewellyn stated he was unsure who the current representative was.

Mayor Fagg asked if he could have any relevant information before the meeting.

City Manager Llewellyn stated he could.

EXECUTIVE SESSION

Commissioner Bill Young moved to recess into an Executive Session for the purpose of discussing legal matters, and to reconvene the regularly scheduled meeting in the City Commission room at 10:00 p.m.

Commissioner David Chapin seconded the motion.

Motion carried 5 – 0.

Mayor Fagg called the meeting back to order at 10:03 p.m.

ADJOURNMENT

Commissioner Bill Young moved to adjourn the meeting at 10:03 p.m.

Commissioner Chase Locke seconded the motion.

Motion carried 5 – 0.

City Clerk Tabitha D. Sharp

Mayor Michael A. Fagg

The El Dorado City Commission met in special session on March 12, 2014 at 4:00 pm in the Commission Room with the following present: Mayor Michael Fagg, Commissioner Chase Locke, Commissioner Bill Young, Commissioner Nick Badwey, Commissioner David Chapin, Assistant City Engineer Scott Rickard, and City Clerk Tabitha Sharp. Absent: City Manager Herb Llewellyn and City Attorney Jim Murfin

VISITORS

Julie Clements	El Dorado Times	El Dorado, KS
Linda Jolly	El Dorado Inc.	El Dorado, KS
David Sundgren	El Dorado Inc.	El Dorado, KS
Brad Meyer	220 E 1 st	El Dorado, KS
Tony Grunder	825 E Rim Rock	El Dorado, KS
Suzie Locke	220 E 1 st	El Dorado, KS
Wes Barnett	220 E 1 st	El Dorado, KS
Kurt Bookout	220 E 1 st	El Dorado, KS
Gary Taylor	220 E 1 st	El Dorado, KS
Becky Farner		El Dorado, KS
Courtney Woodard		El Dorado, KS
Terry Trimmell		El Dorado, KS
Brandon Knowles		Wichita, KS
Dr Beth Wittenberg		El Dorado, KS
John Grange		El Dorado, KS
Curt Ziemann	220 E 1 st	El Dorado, KS
Andrew Johnson		El Dorado, KS
Rachel Wooley		El Dorado, KS
Donna Sharp	220 E 1 st	El Dorado, KS
Sarah Hagen	220 E 1 st	El Dorado, KS
Midge Grenstead	Humane Society	Lawrence, KS

CALL TO ORDER

Vice Mayor Bill Young called the March 12, 2014 Special City Commission meeting to order at 4:00 p.m.

DISCUSSION – EL DORADO INC MEMORANDUM OF UNDERSTANDING

David Sundgren and Linda Jolly, El Dorado Inc., discussed the memorandum of understanding with the City Commission.

DISCUSSION – REPRESENTATION FOR THE BUTLER COUNTY WATER COMMITTEE

The City Commission discussed representation for the Butler County Water Committee. It was agreed that Commissioner Nick Badwey would attend the meeting and ask for a second spot on the committee for the City of El Dorado.

DISCUSSION – EXAMINATION OF PIT BULLS IN THE COMMUNITY

Individuals from the community and the State Humane Society were present to discuss lifting the ban on pit bulls in the community. It was agreed that more information would be gathered to present at a regular Commission meeting.

ADJOURNMENT

Commissioner Bill Young moved to adjourn the meeting at 6:55 p.m.

Commissioner Nick Badwey seconded the motion.

Motion carried 5 – 0.

City Clerk Tabitha D. Sharp

Mayor Michael A. Fagg

EL DORADO CITY COMMISSION MEETING

March 17, 2014

The El Dorado City Commission met in a regular session on March 17, 2014 at 7:00 pm in the Commission Room with the following present: Mayor Michael Fagg, Commissioner Chase Locke, Commissioner Bill Young, Commissioner Nick Badwey, Commissioner David Chapin, City Manager Herb Llewellyn, Finance Director Tammy Schaffer, City Attorney Jim Murfin, Assistant City Engineer Scott Rickard, and City Clerk Tabitha Sharp.

VISITORS

Julie Clements	Butler County Times Gazette	El Dorado, KS
Matt Perez	220 E 1 st	El Dorado, KS
Heather Riddle	921 N Denver	El Dorado, KS
Pastor Andrew Conrad	First United Methodist Church	El Dorado, KS
Kevin Wishart	220 E 1 st	El Dorado, KS
Jeff Klein	317 Race	El Dorado, KS
James Cook	719 Fredrick	El Dorado, KS
Carlton Ehret	S Alleghany	El Dorado, KS
Brooke Ryan	5734 SW Haverhill Rd	El Dorado, KS
Wes Barnett	220 E 1 st	El Dorado, KS

CALL TO ORDER

Mayor Michael A. Fagg called the March 17, 2014 meeting to order.

INVOCATION

Pastor Andrew Conrad, First United Methodist Church, opened the meeting with an invocation.

PLEDGE OF ALLEGIANCE

The City Commission led the pledge of allegiance.

PROCLAMATION

Mayor Michael Fagg proclaimed April 1st, 2014 National Service Recognition Day in El Dorado, KS.

Mayor Fagg encouraged citizens to help their neighbors clean up yards.

Commissioner Chase Locke stated that the First United Methodist Church had some volunteer opportunities available this summer.

PERSONAL APPEARANCE

Kevin Wishart, Parks and Recreation Director, gave a presentation on the Recreation, Parks, Forestry, Cemetery and Senior Center departments.

Commissioner Chase Locke stated that his first job was working for Kevin, and was proud to say that the City works with so many young people in El Dorado.

Commissioner Bill Young stated he appreciated all of the staff in the Parks & Recreation Department. He stated that they work very hard to ensure that all of our facilities are nice and that the employees are professional. He stated that he hoped the SAGE program continued to have such a positive impact.

Commissioner Nick Badwey stated he couldn't believe that Hamblin field had grass, he played on that field.

Commissioner David Chapin echoed the comments of Commissioner Young.

Mayor Fagg also echoed their comments, he stated that he was impressed with the Forestry department's work.

Mayor Fagg asked if the Parks & Recreation manual was updated.

Mr. Wishart stated that it is approved yearly.

Mayor Fagg asked how the softball diamonds at the lake were being utilized.

Mr. Wishart stated that the fields were not ready last year; this year they are ready and the department is accepting reservations for tournaments.

Commissioner Young stated that they are fortunate to have a marketing and promotions person to bring in tournaments to our facilities.

Mayor Fagg asked if the work with the YMCA was going well.

Mr. Wishart stated that the boards of both organizations are continuing to have an open dialogue regarding youth sports.

PUBLIC COMMENT

Mayor Michael Fagg opened the floor for public comments.

Pastor Andrew Conrad, 502 Denver, stated that the Leadercast was coming up in El Dorado. He stated that if anyone had questions, they could contact him.

CONSENT AGENDA

Approval of the City Commission minutes from March 3, 2014.

Mayor Michael Fagg pointed out a spelling mistake on page nine.

Mayor Fagg confirmed that the sales tax projects would not be done as part of this year's budget, and that they would come before the Commission again.

City Manager Herb Llewellyn stated that they would be part of the 2015 budget process this year.

Commissioner Bill Young moved to approve the consent agenda as presented.

Commissioner Chase Locke seconded the motion.

Motion carried 5 – 0.

SPECIAL USE PERMIT TO ALLOW AN EIGHT FOOT FENCE AROUND SWIMMING POOL AND YARDS ON PROPERTIES LOCATED AT 317 S RACE AND 1212 W OLIVE (CASE NO. 14-001-SUP)

Matt Perez, Planning and Zoning, stated that the owners of the properties at 317 and 319 S Race have requested to build an eight foot fence around their property. He stated that the Planning Commission voted in favor of the fence 5 – 2.

Commissioner Chase Locke asked if this was similar to the last permit that was approved.

Scott Rickard, Assistant City Engineer, stated that the maximum allowed is six feet. He stated anything above that must have a special use permit.

Mr. Perez showed a map of the old fence and the proposed new fence.

Mayor Michael Fagg confirmed that there was already a fence located at this property.

Mr. Perez stated he was correct.

Mayor Fagg stated he agreed with the Planning Commission and supported the improvements happening in the neighborhood.

Commissioner Bill Young moved that the recommendation of the Planning Commission to approve Case No. 14-001-SUP requesting a Special Use Permit to allow an eight foot tall fence around swimming pool and yards at 317 S Race, 319 S Race and 1212 W Olive be accepted and that Ordinance No. G-1169 be approved.

Commissioner David Chapin seconded the motion.

ROLL CALL VOTE

Position 4	Commissioner Chapin	Yes
	Mayor Fagg	Yes
Position 1	Commissioner Locke	Yes
Position 2	Commissioner Young	Yes
Position 3	Commissioner Badwey	Yes

BUTLER COUNTY WATER COORDINATING COMMITTEE RESOLUTION & CITY COMMISSION APPOINTEE

Commissioner Nick Badwey stated he went to the water meeting at the County and requested that the City of El Dorado have two representatives on the committee. He stated he was told no. The other members asked why there was a request for an additional spot. He told them that because the City owned the water in the County, they believed there should be two spaces on the committee for El Dorado.

Commissioner Badwey stated he was later contacted by County Commissioner Wheeler who thought that the committee might reconsider their stance on the second position.

Mayor Michael Fagg stated that the remainder of the meeting was just gathering information.

Commissioner Chase Locke stated that he appreciated the County reconsidering the situation.

Commissioner David Chapin moved to table the discussion until after the County was able to meet and discuss the situation.

Commissioner Chase Locke seconded the motion.

Motion carried 5 – 0.

Mayor Fagg stated he found some paperwork regarding a previous discussion on a County-wide water district.

Commissioner Bill Young stated that this is a reminder that the Commission needs to schedule a time to get together and understand what their position is on this topic.

REVIEW OF DEPARTMENTAL PROFIT AND LOSS STATEMENTS

City Manager Herb Llewellyn stated that two meetings ago, the Mayor asked staff to present profit and loss statements for a few departments. He stated that staff have provided the information regarding all departments to give a good picture.

Commissioner Bill Young stated that he would like to have a little more time to review all of this information and send any questions to the City Manager.

Commissioners Locke and Badwey agreed.

Commissioner David Chapin asked for clarification on how the numbers are figured.

City Manager Llewellyn stated that the expenses and revenues were what were actually spent and received.

Mayor Michael Fagg asked if these were from 2013.

Tammy Schaffer, Finance Director, stated that they were.

Mayor Fagg stated that he thought that the Cemetery was losing money.

Ms. Schaffer stated that the cemetery operates out of two funds. She stated that receipts are through the general fund and expenses are through fund eight. She stated that the general fund does a transfer to fund eight.

Mayor Fagg confirmed that the money transferred from the general fund is tax money received for the cemetery.

City Manager Llewellyn stated that he was correct.

Mayor Fagg stated he thought that they were losing money at the airport.

Ms. Schaffer stated that there is tax revenue and sales revenue in fund three for the airport and all of the expenses come out of that fund as well.

City Manager Llewellyn stated that it takes a mill to operate the airport. He stated that historically approximately a half a mill is needed to operate the airport. He stated that some years more is levied to complete capital improvement projects.

Mayor Fagg confirmed that it comes close to breaking even.

City Manager Llewellyn stated that he was correct.

Ms. Schaffer stated that the staff in charge of the airport are good about planning for the future to ensure they have enough money for all projects and day-to-day operations.

Mayor Fagg asked if all expenses come out of this fund.

Ms. Schaffer stated that they did.

Mayor Fagg asked how to interpret the information on the wind turbine.

City Manager Llewellyn stated that he was looking at the amount paid for the turbine.

Commissioner Chapin confirmed that there was no operation information provided.

City Manager Llewellyn stated he was unsure why that wasn't in the packet, he would get the information for the Commission.

Commissioner Young asked if it would be beneficial for them to e-mail their questions so that answers could be properly researched.

City Manager Llewellyn stated that it would.

Commissioner Chapin confirmed that everything would also be discussed during the budget process and that it would be better to do it then when the department heads were prepared to provide more information.

Mayor Fagg thought it would be interesting to see the amount of tax dollars in each revenue figure.

Mayor Fagg asked how much is in the equipment reserve fund today.

Ms. Schaffer stated she would look that up.

NEW BUSINESS

Commissioner Chase Locke congratulated the boys' basketball team at EHS. He stated they ended up taking 4th place.

Commissioner Bill Young echoed Commissioner Locke's statements. He also wished everyone a Happy St. Patrick's Day.

Commissioner David Chapin also echoed the previous comments.

Commissioner Chapin asked about the aluminum house.

Scott Rickard, Assistant City Engineer, stated that the owner is currently in litigation regarding the property. He stated that they have extended the building permit and are on top of the situation.

Commissioner Chapin stated that some of the siding is blowing around the neighborhood.

Mr. Rickard stated that they would contact them.

Commissioner Chapin asked about the house in the 300 block of South Emporia.

City Attorney Jim Murfin stated that he has been in contact with the property owners and they will possibly be giving the property to the City in lieu of demolition charges. He stated that he will know more in the near future.

Mayor Michael Fagg asked about the Legion issue.

City Manager Llewellyn stated that at the last meeting, the Post Commander came and presented a bill for the parking lot. He stated that after investigating it, they found that they probably paid a little more than necessary, but parking lot work is different than regular pavement.

Mayor Fagg asked if they would be paying the bill.

City Manager Llewellyn stated that staff would do whatever the Commission requested. He stated that maintenance had been done on the property. He stated that the Commission needed to decide whether or not they would pay for work that is done without our knowledge.

Mayor Fagg stated he thought that the City should negotiate with the Legion to come to a fair price.

Commissioner Badwey asked what the life on a parking lot is.

Mr. Rickard stated that it was probably ten plus years. He stated that the City has a different approach to parking lots than what the Legion did. He stated that there are a lot of city-owned parking facilities that haven't had maintenance other than crack filling in twenty years.

City Manager Llewellyn asked if the City would have done chip seal.

Mr. Rickard stated that the City would have done a seal coat.

Commissioner Badwey asked if staff could provide an estimate of how they would have done it and what that would cost.

Commissioner Locke stated that it would give them a ball park number to take to the Legion.

Mayor Fagg stated that he would like to see that and also a clarification of the lease statement for the Legion.

Mayor Fagg stated that he believed that the Towanda Avenue project could not use the Sales Tax Monies. He was also concerned that the Sales Tax Committee reads the Ordinance because he felt that two of the projects did not fit the description on the ordinance.

City Manager Llewellyn stated that the information is provided to the committee each year in their first meeting.

Mayor Fagg asked if there had been any information on the 6th and Main project.

Mr. Rickard stated that staff are working with El Dorado Inc. and local businesses in order to ensure that the project is done to the best possible outcome. He stated that they are talking with the trucking companies to get a better idea of what will work for them.

Mayor Fagg stated he attended the REAP meeting and they have requested a list of transportation options in each city.

Mr. Rickard stated that REAP has also requested a more comprehensive list of industries in town.

Mayor Fagg asked if staff discussed the cemetery roads.

City Manager Llewellyn stated that work has been done on Walnut Valley.

Mr. Rickard stated that funding is being arranged, they have done work at Walnut Valley but more needs done. He stated they are planning to do some work at Sunset. He stated in the 2015 budget there will be discussion about more parking lots and other City owned areas.

City Manager Llewellyn stated that the cemetery work would be done this year.

Mayor Fagg asked if the pothole on North Main could be repaired.

Mr. Rickard stated that it was a concrete storm sewer box.

City Manager Llewellyn stated it was originally thought to belong to another entity, but it is a stormwater box.

Commissioner Young asked what it would cost.

Mr. Rickard stated that his recommendation is to smooth it out, he stated that to take the box out would be cost prohibitive.

City Manager Llewellyn stated that we have the tool to mill it and will be able to fix it in about an hour.

Commissioner Locke asked if they could try what the City Engineer is recommending first.

City Manager Llewellyn stated that they could.

Mayor Fagg asked if the lid would still be lower.

Mr. Rickard stated that the lid is cast to fit that box, so it will still be lower.

Mayor Fagg asked if any of the Commissioners had reports from the stadium.

Commissioner Young stated that it is just maintenance at this point. He stated that they are considering some additional structures within the facility to sell some more advertising.

Commissioner Young stated that they have worked with the contractor on some maintenance issues that came up during the last season. He stated that the work had been done under warranty.

Mayor Fagg asked if he could see revenue and expense statements.

Commissioner Locke stated they could bring it back after the next meeting.

Commissioner Young stated that there has not been a lot of expense because most everything has been under warranty, and the revenues have been limited.

Mayor Fagg also congratulated the community and their representation at the State Basketball Tournament.

Commissioner Locke also pointed out that the bowling team did well.

Heather Riddle, 921 N Denver, stated that the EHS bowling team took fifth.

Mayor Fagg asked about another award Ms. Riddle received.

Ms. Riddle stated that she and Travis House have received the Kansas Governor's Scholar award.

CITY MANAGER'S REPORT

City Manager Herb Llewellyn stated that the new athletic director for EHS was at Rotary last week and was impressed with the participation of students in sports and with the response of the District's support of his request for additional staff.

ADJOURNMENT

Commissioner Nick Badwey moved to adjourn the meeting at 8:14 p.m.

Commissioner Bill Young seconded the motion.

Motion carried 5 – 0.

City Clerk Tabitha D. Sharp

Mayor Michael A. Fagg

The El Dorado City Commission met in special session on March 31, 2014 at 4:00 pm in the Commission Room with the following present: Mayor Michael Fagg, Commissioner Chase Locke, Commissioner Bill Young, Commissioner Nick Badwey, Commissioner David Chapin, City Manager Herb Llewellyn, City Attorney Jim Murfin, Assistant City Engineer Scott Rickard, and City Clerk Tabitha Sharp.

VISITORS

Julie Clements El Dorado Times El Dorado, KS

CALL TO ORDER

Mayor Michael Fagg called the March 31, 2014 Special City Commission meeting to order at 4:00 p.m.

EXECUTIVE SESSION

Commissioner Bill Young moved to recess into Executive Session for the purpose of discussing legal matters and to reconvene the Special City Commission Meeting at 5:00 p.m.

Commissioner Nick Badwey seconded the motion.

Mayor Michael Fagg asked if the meeting would be concerning water.

City Manager Llewellyn stated that it would.

Mayor Fagg read from the League of Kansas Municipalities manual regarding open meetings. He stated he did not believe that this topic was covered.

City Manager Llewellyn stated that the Commission would have the opportunity to discuss the topic with their attorneys and then later discuss it in an open meeting.

Mayor Fagg stated he would like to have a second opinion regarding the legality of the meeting.

Commissioner Young stated that he felt the City Attorney had already reviewed the issue and felt it was covered.

Mayor Fagg stated that he would still like to have a second opinion.

Commissioner Young moved to call the question.

Commissioner Badwey seconded the motion.

Mayor Fagg stated he did not feel that this should be discussed in an executive session and that a second opinion should be obtained.

City Clerk Tabitha Sharp stated that a motion had been made to call the question and according to City Commission policy, a vote must be completed.

Motion carried 4 – 1. (Mayor Fagg opposed)

Mayor Fagg called the special meeting back to order at 5:00 p.m.

Commissioner Bill Young moved to return to Executive Session until 6:00 p.m.

Commissioner Chase Locke seconded the motion.

Motion carried 3 -1. (Commissioner Chapin remained in the conference room and Mayor Fagg opposed.)

Mayor Fagg called the special meeting back to order at 6:00 p.m.

Commissioner Nick Badwey moved to return to Executive Session until 6:45 p.m.

Commissioner Chase Locke seconded the motion.

Motion carried 3 – 1. (Commissioner Chapin remained in the conference room and Mayor Fagg opposed.)

Mayor Fagg called the special meeting back to order at 6:45 p.m.

ADJOURNMENT

Commissioner David Chapin moved to adjourn the meeting at 6:45 p.m.

Commissioner Chase Locke seconded the motion.

Motion carried 5 – 0.

City Clerk Tabitha D. Sharp

Mayor Michael A. Fagg

EL DORADO CITY COMMISSION MEETING

April 7, 2014

The El Dorado City Commission met in a regular session on April 7, 2014 at 7:00 pm in the Commission Room with the following present: Mayor Michael Fagg, Commissioner Chase Locke, Commissioner Bill Young, Commissioner Nick Badwey, Commissioner David Chapin, City Manager Herb Llewellyn, City Attorney Jim Murfin, Finance Director Tammy Schaffer, Assistant City Engineer Scott Rickard, and City Clerk Tabitha Sharp.

VISITORS

Karla Knight	839 Charron Dr	El Dorado, KS
Tim & Meredith Baker	1404 W Carr	El Dorado, KS
James Cook	719 Fredrick Dr	El Dorado, KS
Ken & Jane Cross	1023 Oak	El Dorado, KS
Edith Leiker	816 Audrey Dr	El Dorado, KS
Jill Hughey	511 Hunton Rd	El Dorado, KS
Jason Hughey	1329 Terrace	El Dorado, KS
Daryl Sarkett	829 Fredrick Dr	El Dorado, KS
Michael Kelly	733 Audrey Dr	El Dorado, KS
Shawn Luehrs	1859 Lawndale	El Dorado, KS
Gary & Robin Taylor	720 Oak	El Dorado, KS
Ryan Smith	495 Price Rd	El Dorado, KS
Steve Moody	1990 Quail Run	El Dorado, KS
Fred Kropf	2001 W Towanda	El Dorado, KS
Larry & Theo Winzer	911 S Arthur	El Dorado, KS
John & Ginger Hurst	720 W Ash	El Dorado, KS
Heather Head	303 S Atchison	El Dorado, KS
Mike & GiGi Dudeck	1225 Glenview Dr	El Dorado, KS
Brenda & Sidney Lange	532 W 12 th	El Dorado, KS
Joan & Merrill Green	4999 SW Haverhill Rd	El Dorado, KS
Curt Ziemann	128 N Vine	El Dorado, KS
Ben Carr	815 Fredrick	El Dorado, KS

CALL TO ORDER

Mayor Michael A. Fagg called the April 7, 2014 meeting to order.

INVOCATION

Pastor Wade Graber, First Baptist Church, opened the meeting with an invocation.

PLEDGE OF ALLEGIANCE

The City of El Dorado Commission led the pledge of allegiance.

SERVICE AWARDS

Presentation of service awards to employees of the City of El Dorado.

- 10 Year Award – Anna Jean Roberts
- 15 Year Award – Jason Hughey, Sonya Nixon, Chad Young, Donna Gragg, and Tony Yaghjian
- 20 Year Award – Timothy Baker and Ralph Ehrlich
- 25 Year Award – Gary Taylor and Judy McIntosh
- 40 Year Award – Robert Simmons

PROCLAMATION

Tom Boren, CASA, gave some background on the CASA organization and child abuse prevention month.

Commissioner Chase Locke asked how many children were served.

Mr. Boren stated that they average around 100 children, and there are children on the waiting list.

Commissioner Nick Badwey asked how long training takes for an advocate.

Mr. Boren stated that it takes ten weeks, and the training is local.

Mayor Michael Fagg read the proclamation for Child Abuse Prevention Month.

PUBLIC COMMENT

Mayor Michael Fagg opened the floor for public comments.

Ginger Hurst, 720 W Ash, requested that the City Commission sell the property west of the Fire Substation for a house of prayer.

Commissioner Nick Badwey asked how much land they are requesting.

Ms. Hurst stated that they would take anything they could get.

City Manager Llewellyn thought that there was thirty acres there.

Scott Rickard, Assistant City Engineer, stated that there was approximately ten usable acres and would probably be zoned residential.

The City Commission agreed that they would consider the option.

CONSENT AGENDA

Approval of the City Commission minutes from March 17, 2014 and the Special City Commission Meeting Minutes from March 12, 2014 and March 31, 2014.

Approval of the Recreation Advisory Board minutes from February 19, 2014.

Approval of Appropriation Ordinance 03-14 in the amount of \$1,060,186.58.

Approval of CMB License for Casey's General Store at 2627 W. Central.

Mayor Michael Fagg asked what the inventory clearing for \$26,268.08 was.

City Clerk Tabitha Sharp stated that the City purchases fuel through inventory and as each department uses it, the fuel is cleared from inventory and charged to the individual departments.

Commissioner Nick Badwey moved to approve the consent agenda as presented.

Commissioner Chase Locke seconded the motion.

Motion carried 5 – 0.

APPOINTMENT OF A VICE MAYOR

City Manager Herb Llewellyn stated that the City of El Dorado Commission appoints a member as Vice Mayor each year to serve in the Mayor's absence. He stated that each individual on the Commission takes a turn, and this year it is Commissioner Chapin's unless someone else wishes to serve.

Commissioner Nick Badwey moved to appoint Commissioner David Chapin as Vice-Mayor for a one-year term.

Commissioner Bill Young seconded the motion.

Motion carried 5 – 0 (Commissioner Chapin abstained which follows the majority vote).

PROJECT NO. 295 – PUBLIC HEARING – PAVING TOWANDA AVE (FREDRICK TO EDGEMOOR)

Assistant City Engineer Scott Rickard stated that a public hearing had been set last month for this evening. He stated that citizens' comments will be heard by the Commission and then a twenty day protest period is held.

Mr. Rickard stated that after the protest period, notice of assessments will be sent and another hearing will be held. He stated if that portion is approved, the specials will be spread and the project will move forward.

Mayor Michael Fagg asked how much the charge is for Graham Park.

Mr. Rickard stated that the City's portion is \$46,584.92. He stated that the amounts that have been sent out will not be exceeded according to previous policy of the City Commission, but they can be less.

Mr. Rickard stated he held a public meeting the week before and discussed the project and the assessments.

City Manager Herb Llewellyn stated that the policy of the City of El Dorado is that the property owners only pay for the portion that would be a residential sized street. He stated that this is a collector street and is built wider, so the City-at-Large will pay a larger portion of the cost.

Mayor Fagg asked about the costs for the Engineering.

City Manager Llewellyn stated that the Engineering department does the preliminary design, but the rest of the work must be done by a Professional Engineer.

Mayor Fagg confirmed that it would go to a separate firm.

City Manager Llewellyn stated that he was correct.

Mayor Fagg asked about the costs for traffic control.

City Manager Llewellyn stated that the project will be bid and the traffic control will likely be subbed out to another group. He stated they would make sure that cones and signs are in the proper places.

Mayor Fagg asked what SY stands for.

Mr. Rickard stated that it stands for square yards of improvement for the driveways.

Mayor Fagg confirmed that SF was square feet.

Mr. Rickard stated that it stood for square feet of the improvement.

Ben Carr, 815 Fredrick Dr., stated that he felt this was a Band-Aid for a larger problem. He stated he would like to see the rest of Towanda added to the project in order to do one large improvement.

Mayor Fagg stated that he believed that some improvement would be done to the rest of the street, the City Commission was in support of that, it will be done to the standards of the Township instead of the City.

City Manager Llewellyn stated that we had to follow the laws of the State of Kansas and that the other portion would be done according to the laws of the Township. He stated that the part within the City will be done according to City standards if it is not petitioned out by the citizens.

Mr. Rickard stated that the protest will need to include 50% of the owners and 50% of the land in the improvement district.

Commissioner Bill Young agreed that everyone would like to see a fully improved street all the way to Haverhill, today the overlay is all they can do.

Mr. Carr stated that he didn't need the curb and gutter, he would just like to see the surface improved up to Haverhill.

Commissioner Young stated that his concern was that if they don't do it correctly, that they will continue to throw good money after bad.

City Manager Llewellyn stated that it is his understanding that the wish of the City Commission is that after the portion in this project is approved, staff will begin work on the project to improve all the way to Haverhill.

Mayor Fagg stated that they have also talked to the County in an attempt to get more money for the project.

Commissioner David Chapin stated that he has seen this project come and go over his seven years on the Commission. He stated that this is the closest they have ever been to getting that road fixed.

Mayor Fagg stated he was on the Commission when this street was done. He stated that if he knew a better way to do it without costing the citizens money he would do it.

Darrell Sarkett, 829 Fredrick Dr., stated he would like to see sidewalks put in because a lot of college students walk on the road and he fears that one of them will be injured.

Mayor Fagg asked if the sidewalk could be sales tax money.

City Manager Llewellyn stated that it could.

Commissioner Chapin stated he would be asking the sales tax committee for one once the street was completed.

Jane Cross, 1023 Oak St., asked what the timeline was for the rest of the street.

City Manager Llewellyn stated that as soon as this piece is approved, the next piece will be brought to the Commission and with their approval the whole project will be completed. He stated that the overlay will probably take less time than the improvement within the city limits.

Ms. Cross stated that there is no commitment to it.

City Manager Llewellyn stated that they would discuss it when the petition process is completed for the first portion of the project. He stated that the most logical way is to do the whole road as one project.

Larry Winzer, 911 S Arthur, stated he felt this is the last chance to do the project. He was concerned about the drainage problem. He also asked who would pay for the curb and gutter past Fredrick Drive. He stated that his costs have gone up about \$961 in the last four years and would like to see the project completed before it goes up again.

Mr. Rickard stated that the number one priority is to protect the priority so they will definitely be addressing the drainage issue as well as possible. He stated that the property that Mr. Kropf owns will not be able to be assessed because he lives in the Township.

Commissioner Young confirmed that everyone else would pay for the curb and guttering on the properties that touch his.

Mr. Rickard stated that a curb cut would be a different situation, if payment is not given to the City by the property owner, access will not be granted off of Towanda Avenue.

Karla Knight, 839 Charron Drive, stated her property is in a flood zone. She stated that she is not only being charged the improvement costs but also the increased flood insurance.

Mr. Rickard stated that the improvements will not affect the flood plain. He stated that city staff are working with FEMA on this problem because some of the properties in that plain have never had water on them. He stated that it is the goal to have a more in depth study done to address the problem.

Ms. Knight stated that she is concerned about the resale value of the property with all of the additional costs.

Mr. Rickard stated that the flood plain is a correlation of the elevation of the creek versus the elevation of the home. It does not have anything to do with the road.

Ms. Knight stated that she was concerned about the deterioration of the road by flood water.

Mr. Rickard stated that there are a few other areas in town that go under water and having a curb and gutter helps keep it together.

Mayor Fagg stated that citizens should keep in mind that the city-at-large will spend \$300,000 in the area with the current owners.

City Manager Llewellyn stated that the street will also be on the improvement plan after it is completed so any repairs will be done regularly.

Ken Cross, 1023 Oak, stated that the benefit district is charged 53% and the city-at-large is charged 47% of the cost. He stated that the benefit district will be just a fraction of the traffic and shouldn't have to pay the majority of the costs. He stated that he would be more supportive of the project if it was one large project.

Mr. Rickard stated that the city-at-large will pay an additional \$46,000 for Graham Park as well as the 47% Mr. Cross mentioned. He also reiterated that the residents are paying for the residential sized street, not the costs of a collector street.

Mayor Fagg closed the public hearing.

Commissioner Nick Badwey moved that Resolution No. 2731, a resolution determining the advisability of the making of certain internal improvements for the City of El Dorado, Kansas; making certain findings with respect thereto; and authorizing and providing for the making of the improvements in accordance with such findings, subject to protest (paving improvements/project no. 295).

Commissioner David Chapin seconded the motion.

Motion carried 5 – 0.

KDOT AGREEMENT NO. 53-14 – KLINK RESURFACING

Scott Rickard, Assistant City Engineer, stated the City was awarded a KLINK grant to share costs for the resurfacing of one of the highways within the City limits.

Mr. Rickard stated that staff are recommending to use the funds at Topeka and Central.

Mayor Michael Fagg asked what the total of the two projects was.

Mr. Rickard stated that he thought it would be about \$950,000.

Mayor Fagg asked if staff wanted to get the most out of the \$200,000 as possible.

Mr. Rickard stated that staff do their best to arrange projects so that it is possible to have a 50/50 project.

Commissioner David Chapin moved to authorize the Mayor to execute for and on behalf of the City of El Dorado, Agreement No. 53-14 between the City and the Kansas Department of Transportation.

Commissioner Chase Locke seconded the motion.

Motion carried 4 – 0 (Commissioner Young stepped out).

NEW BUSINESS

Commissioner Nick Badwey wished everyone a Happy Easter.

Commissioner Chase Locke asked if the City of Wichita has approached us regarding the sale of water since the previous questions had been asked.

City Manager Herb Llewellyn stated that the questions were asked last year before the large rain event. He stated that no questions had been asked after the rain.

City Manager Llewellyn stated that there had been some discussion about using a reverse osmosis process to recycle water and the belief was that the City of Wichita had made their decision. He stated that approximately a week and a half ago, an employee of the City of Wichita asked what the price of water would be.

City Manager Llewellyn stated that they requested the price within two days and staff declined due to the inability to provide accurate information to the City Commission within such a

short time. Staff have since met with the City Manager of Wichita and the City Commission of El Dorado to further discuss the issue. He stated that discussions are ongoing.

Commissioner Locke stated that no decisions have been made, the City of El Dorado is simply exploring the possibilities.

Kurt Bookout, Public Utilities Director, stated that staff want customers to understand how they are moving forward on this project and ensure them that the best interests of the citizens of El Dorado are foremost in all discussions about the sale of water to Wichita.

City Manager Llewellyn stated that staff understand that there are a lot of individuals who remember running out of water and are going to further discuss the issue with the community as more information is available.

Mr. Bookout stated that it was important to begin the community discussions again.

Commissioner Locke stated that if there is a group who would like to hear the information, they should contact Mr. Bookout.

Commissioner Bill Young stated that last week at the Special City Commission meeting, the Mayor stated that he believed that a second opinion was required to recess into the Executive Session.

Commissioner Young stated that he spoke to the League's counsel who recommended that the City Attorney be aware of any action that the Commission is taking. He asked the League's counsel if they would be defending the City of El Dorado if they were to get into a legal situation regarding an Executive Session. The League Attorney assured him that they would not. The attorney stated that the City Manager should clear everything through the City Attorney because they are unable to disseminate the information regarding Executive Session prior to the meeting because of the Open Meetings Act.

Commissioner Young stated that it was important to trust the City Attorney and the City Manager to do the right thing.

City Manager Llewellyn stated that in response to the Mayor's previous question, the total balance for lake debt reserve was \$7,445,931.38. He stated that \$4,546,242.25 is in cash or investments and \$2,899,689.30 is in the loan on the stadium.

Mayor Michael Fagg asked if there has been any conversation on paying off the smallest loan for \$2,000,000.

City Manager Llewellyn stated that it was in cash and being swept each night.

Mayor Fagg asked what the rate was.

City Clerk Tabitha Sharp stated that she would have to look it up.

City Manager Llewellyn stated that it was the best opportunity the previous year, but could be looked at again.

Mayor Fagg asked about the information on the American Legion.

City Manager Llewellyn stated he would provide it at the next meeting.

Mayor Fagg asked about the trash and recycle carts.

City Manager Llewellyn stated that staff have been instructed to sort it if necessary, but we are asking citizens to help out as much as possible from by not bagging their recyclables in non-recyclable packaging.

Mayor Fagg asked if they could get a copy of the whole sports complex lease.

City Manager Llewellyn stated that they could.

CITY MANAGER'S REPORT

City Manager Herb Llewellyn stated that work began on the South Main resurface project today.

City Manager Llewellyn stated that the County needed millings and we are selling them out of our pile because we have extra.

City Manager Llewellyn stated that staff are considering taking away the parking area just North of the railroad bridge on Main because it is causing confusion about whether or not that is a four lane road.

City Manager Llewellyn stated that the City is looking at ways to put lawns back the way they were after construction on water lines, etc... He stated that they are using a dirt screener to put back a better quality of dirt in their yards. He also stated that they are encouraging citizens to use compost from the City's pile to help the dirt.

City Manager Llewellyn stated that spring clean-up is the week of April 14-18.

ADJOURNMENT

Commissioner Nick Badwey moved to adjourn the meeting at 9:08 p.m.

Commissioner David Chapin seconded the motion.

Motion carried 5 – 0.

City Clerk Tabitha D. Sharp

Mayor Michael A. Fagg

The El Dorado City Commission met in special session on April 16, 2014 at 4:00 pm in the Commission Room with the following present: Mayor Michael Fagg, Commissioner Chase Locke, Commissioner Bill Young, Commissioner Nick Badwey, Commissioner David Chapin, City Manager Herb Llewellyn, Finance Director Tammy Schaffer, Assistant City Engineer Scott Rickard, and City Clerk Tabitha Sharp. Absent: City Attorney Jim Murfin.

VISITORS

Julie Clements	El Dorado Times	El Dorado, KS
Steve Little		El Dorado, KS
Brad Meyer	220 E 1 st	El Dorado, KS
Kevin Wishart	220 E 1 st	El Dorado, KS
Steve Moody	220 E 1 st	El Dorado, KS
Curt Zieman	220 E 1 st	El Dorado, KS
Gary Taylor	220 E 1 st	El Dorado, KS
Brett Perry	220 E 1 st	El Dorado, KS
Suzie Locke	220 E 1 st	El Dorado, KS

CALL TO ORDER

Mayor Michael Fagg called the April 16, 2014 Special City Commission meeting to order at 4:00 p.m.

CAPITAL IMPROVEMENT PLAN PRESENTATION

Staff presented the Capital Improvement Plan for 2015 – 2019.

ADJOURNMENT

Commissioner Bill Young moved to adjourn the meeting at 6:35 p.m.

Commissioner David Chapin seconded the motion.

Motion carried 5 – 0.

City Clerk Tabitha D. Sharp

Mayor Michael A. Fagg

EL DORADO CITY COMMISSION MEETING

April 21, 2014

The El Dorado City Commission met in a regular session on April 21, 2014 at 7:00 pm in the Commission Room with the following present: Mayor Michael Fagg, Commissioner Chase Locke, Commissioner Bill Young, Commissioner Nick Badwey, Commissioner David Chapin, City Manager Herb Llewellyn, City Attorney Jim Murfin, Assistant City Engineer Scott Rickard, and City Clerk Tabitha Sharp.

VISITORS

Mark Somerville	515 W Locust	El Dorado, KS
Macy Gaines	411 Main	Towanda, KS
Melody & Bill Gault	5 Taylor Ave	Augusta, KS
Corey Landreth	804 S Denver	El Dorado, KS
Carla Varner	Lincoln Elementary	El Dorado, KS
Brenda & Terry Green	1059 SE Conner Rd	El Dorado, KS
Rachel Vaughters	752 Wilson	Towanda, KS
Connie & Jim Phillips	216 W Central	El Dorado, KS
Nancy Green	1013 S Topeka	El Dorado, KS
Stephanie Mogolis	1834 Leonard Ct	El Dorado, KS
Natalie Donges	2873 SE HWY 54	El Dorado, KS
Linda Rumsey	2020 SE HWY 54	El Dorado, KS
James Cook	719 Fredrick Dr	El Dorado, KS
Reverend Christine Gilson	1305 Park Ave	El Dorado, KS
Paul & Myrna Byfield	1870 SE River Rd	El Dorado, KS
Linda Johnson	105 Post Rd	El Dorado, KS
Marlene Avery	219 Hillcrest	El Dorado, KS
David & Deb Wilson	1179 Conner Rd	El Dorado, KS
Darlene Montgomery	967 SE Spires Rd	El Dorado, KS
Larry & Darlene Adams	1756 W 3 rd	El Dorado, KS
John Provorse	521 S Topeka	El Dorado, KS
Cheryl & Matt Acuff	4123 NW Tawakoni	El Dorado, KS
Mike Payton	1027 SE Conner Rd	El Dorado, KS
Mark Habluetzel	627 S Star	El Dorado, KS
Sunita Bohrer	203 Maplewood Dr	El Dorado, KS
Marsha Reeser	215 S Star	El Dorado, KS
Charles Cave	1730 SE Price Rd	El Dorado, KS
Dallas Collins	630 W Carr	El Dorado, KS
Brice Sanner	720 S Taylor	El Dorado, KS
Jeff Sparks	1101 SE Conner Rd	El Dorado, KS
David Greene	220 Metcalf	El Dorado, KS
Ann Carpenter	6965 SW 18 th St	El Dorado, KS
Tony Grunder	825 Rim Rock	El Dorado, KS
Steven Stanfield	5305 SE 30 th	El Dorado, KS
Sanya Sommers Milbourn	121 N Emporia	El Dorado, KS
Melinda Shaw	128 N Emporia	El Dorado, KS
Alyce Logsdon	809 Charron	El Dorado, KS
Jimna Knazz	11175 SW Walnut Valley Rd	Augusta, KS
Michelle Loss	1217 Rainbow Dr	Towanda, KS
Debra Work	1210 S Topeka	El Dorado, KS
Julie Clements	El Dorado Times	El Dorado, KS
Sue Austin	220 E 1 st Ave	El Dorado, KS
Les Limon	El Dorado Middle School	El Dorado, KS
Marlene Avery	El Dorado Municipal Band	El Dorado, KS
Brad Meyer	220 E 1 st Ave	El Dorado, KS
Brenda Zarska	1244 SE Kafir	El Dorado, KS
Anita Whiteman	515 Prairie Rd	El Dorado, KS
Diana Harms	2413 SE HWY 54	El Dorado, KS
Judith Storandt	105 Race St	El Dorado, KS
Ron Zerphis	220 Dellway	El Dorado, KS
Matt Perez	220 E 1 st Ave	El Dorado, KS
Linda Jolly	220 E 1 st Ave	El Dorado, KS

CALL TO ORDER

Mayor Michael A. Fagg called the April 21, 2014 meeting to order.

INVOCATION

Reverend Mark Somerville, Church of God of Prophecy, opened the meeting with an invocation.

PLEDGE OF ALLEGIANCE

Skelly Elementary 3rd Graders led the pledge of allegiance.

PROCLAMATIONS

Mayor Michael Fagg read the proclamation recognizing Carla Varner Day in El Dorado.

Mayor Michael Fagg read the Arbor Day Proclamation.

Sue Austin, Forestry Division, stated that on April 21st, a tree would be planted for Abby Hill, the winner of the poster contest locally and for the State of Kansas. The ceremony will be held in North Main Park at 2:00 p.m. on Friday.

PERSONAL APPEARANCES

Les Limon, Counselor at El Dorado Middle School, presented El Dorado Middle School students who were present to thank the City Commission for their part in making the new middle school possible.

Marlene Avery, El Dorado Municipal Band, was present to talk to the City Commission about the Municipal Band and their schedule for the upcoming season.

PUBLIC COMMENT

Mayor Michael Fagg opened the floor for public comments.

There were no public comments.

CONSENT AGENDA

Approval of the City Commission minutes from April 7, 2014.

Commissioner Nick Badwey moved to approve the consent agenda as presented.

Commissioner David Chapin seconded the motion.

Motion carried 5 – 0.

EXAMINATION OF STAFORDSHIRE BULL TERRIERS IN THE COMMUNITY

City Manager Herb Llewellyn stated that the City Commission received information from the Kansas State Director of the Humane Society regarding the allowance of pit bulls in the City of El Dorado.

Brad Meyer, Director of Public Works, stated that many other cities have dangerous animal ordinances that are not breed specific. The State Director sent a few ordinances that are recommended by the Humane Society.

Commissioner Nick Badwey asked if the change being made would only change the breed specific portion of the animal control ordinance.

Mr. Meyer stated he would recommend also adding in other language that identifies specific animals that have the propensity to be dangerous. He stated that our ordinance does not currently include language on micro chipping or registration of dangerous animals and thought that should also be included.

Mr. Meyer stated that Lawrence and Bonner Springs have ordinances with specific rules for how owners have to report dangerous animals.

Commissioner David Chapin asked how a pit bull breed is determined.

Mr. Meyer stated that there is a licensed animal technician who evaluates the animals.

City Manager Llewellyn stated that they can bring another veterinarian's opinion if they believe the dog is not a pit bull.

Commissioner Chase Locke stated that he felt it would be more consistent to enforce a dangerous animal policy as opposed to a breed specific ordinance.

Mr. Meyer stated that it is challenging for some veterinarians because they are dealing with their clientele.

Commissioner Badwey stated he was not interested in going as far as DNA testing. He asked if any of the others were interested in changing the ordinance.

Commissioner Locke stated that he believed we should change the current ordinance because he believes that dogs can be trained to be mean, no matter the breed, so we should have an ordinance that is applicable to all situations.

Commissioner Chapin stated that he thought any dog could be made into a mean dog, he didn't think that making the ordinance breed specific was helpful.

Commissioner Badwey asked if staff were looking for direction for a new ordinance.

Commissioner Bill Young stated that there are laws being passed that are breed specific all across the United States, he thought our ordinance should be changed. He encouraged an ordinance that creates preventative measures as opposed to denying them altogether.

Mr. Meyer stated that staff would rather know going into a situation what kind of dog is in a residence rather than going in with no knowledge. He stated that the preventative measures in the Manhattan allow for that knowledge.

Mayor Michael Fagg stated that he was leaning towards the dangerous dog ordinance. He stated that he felt we should show the veterinarians in town the ordinances provided to us in order to ensure that we do not miss anything while writing our own.

Commissioner Locke stated he had heard from several veterinarians and allowing them to look at the ordinances that have been provided wouldn't hurt.

Commissioner Young stated that he would like to move forward by possibly removing the ban and including more preventative measures.

Mr. Meyer confirmed that the wolf hybrids would remain a banned breed.

There was consensus that they could leave the ban in place on wolves.

Mayor Fagg stated he would like to see what kind of insurance was available for these breeds.

Mr. Meyer stated many insurance companies would not cover those breeds.

APPLICATION TO REZONE 2058 SE HIGHWAY 54, EL DORADO, KANSAS FROM R-S RESIDENTIAL SUBURBAN DISTRICT TO C-1 GENERAL BUSINESS DISTRICT (CASE NO. 14-001-REZ) & SPECIAL USE PERMIT TO ALLOW TRANSITIONAL HOUSING 2058 SE HWY 54

Mayor Michael Fagg asked if the City Commission was ok with limiting individuals to five minutes.

There was consensus to limit comments to five minutes.

Scott Rickard, Assistant City Engineer, stated that they have an application to rezone the property located at 2058 SE Highway 54 to C-1 Business District and a special use permit to allow transitional housing at that property.

Mr. Rickard stated that the City Planning Commission denied the rezone application 3-2. He stated that the Butler County Commission also denied the request 3-2.

Commissioner David Chapin asked if the management plan was provided in the packet.

City Manager Herb Llewellyn stated that the new one was provided today and e-mailed to the City Commission.

Mr. Rickard stated the original one was not specific to the property, the new one was not.

Commissioner Bill Young confirmed that the new management plan had not been seen by the Planning Commission or the Butler County Commission.

Mr. Rickard confirmed he was correct.

Commissioner Young asked what their view was on getting the plan to the County and the Planning Commission.

Melody Gault, President Butler County Homeless Initiative, stated that they are developing a committee to take the plan into the future and develop best practices for running the shelter.

Commissioner Chase Locke stated he appreciated the new plan and stated that it gave him a new perspective on the project. He stated that his experiences with his job have allowed him to see what kind of shelters work and the ones that don't, and he felt that this plan had potential.

Ms. Gault stated that it is their hope that the shelter will be something that the community will be proud of.

Commissioner Locke stated he had not seen facts prior to this. He felt that it is the responsibility of our community to take care of the situation, and that if others saw the new plan; they might change their minds on the subject.

Commissioner Nick Badwey stated he had not yet read the plan because it came out today. He stated that if there were major changes, he was unaware of them.

Ms. Gault stated that there were some safety issues not addressed in the previous plan that are addressed in the new plan.

Commissioner Badwey stated that most of the concerns that have been brought to his attention are operational in nature. He would like the opportunity to see the new plan to see if it addresses these problems.

Ms. Gault stated that they will be meeting with other successful shelters to get ideas on what works the best. She stated that the one in Wichita utilizes the churches for volunteers and other assistance to run the shelter.

Commissioner Locke stated that most of the feedback he had heard was in regards to the future and how the Butler Homeless Initiative will maintain the shelter.

Ms. Gault read a statement in support of the homeless shelter.

Macy Gaines, 411 Main St Towanda, KS and Vice President of the Butler Homeless Initiative, read a statement supporting the homeless shelter. She stated that their mission was to continue participating in the rapid re-housing program while enables individuals to get assistance with housing and obtaining a job.

Ms. Gaines states that since November, they have received 248 calls from people in Butler County requesting assistance in locating shelter. There are an estimated 350 persons who are homeless in Butler County.

Brenda Zarska, 1244 Kafir, stated she was against having the Blue Spruce Hotel turned into a homeless shelter. She stated that the individuals who would be at the Blue Spruce would not have access to services in that area and there is not a path to walk into town to get to those services.

Sonya Milbourn, 121 N Emporia, stated that the use of the Blue Spruce was to address the need to have private bathrooms and bedrooms for its residents. She stated that they also obtained 365 names on a petition in support of the shelter.

Darlene Montgomery, 967 Spires Road, stated that the traffic in that area is very heavy. She stated that the Blue Spruce is not the place for a shelter because there is nothing for children to do and no place safe to walk in the area for other services.

Ms. Montgomery also stated that she did not want to live in fear.

Anita Whiteman, 515 Prairie Road, stated that a van will be purchased to transport residents and a playground will be built in a fenced in area for the children.

Alice Logston, 809 Charron Dr, made a statement in support of the shelter.

Ann Carpenter, 6965 SW 18th St, stated that she and her husband are supportive of the homeless shelter. She stated that in her work with juvenile justice in the last six weeks, parents have turned over five children because they are homeless and cannot care for them.

Michelle Loss, 515 Rainbow Drive Towanda, Kansas, requested that the City Commission vote in favor of the zoning change and special use permit. She stated that there is a need for assistance in Butler County for the homeless and quoted a study stating there were 30 homeless students in the El Dorado School District in 2013.

Nancy Green, 1013 S Topeka, stated that her husband served as a police officer and fire officer for the City of El Dorado and they both supported a homeless shelter and have helped the homeless themselves.

Merna Byfield, 1870 SE River Rd, stated that she had not had a chance to read the new management plan before a decision is made and asked that the City Commission not make a decision until the document has been made public.

Ms. Byfield stated it was her knowledge that the issue was a land use issue, not an emotional issue. She stated that the location is bad because of its location on a busy highway. She stated that the Comprehensive Plan recommends certain areas in El Dorado be protected for visitors such as the bike path and East Park. She felt by placing the shelter at the Blue Spruce, it would encourage those individuals to use those areas because of their proximity to the hotel. She felt that it would be discouraging for others to use those facilities if they were populated by homeless.

Ms. Byfield stated that transportation would be an issue and there is not enough parking if they do have vehicles. She also felt there is not an area available for a playground. She stated that a van would not be enough to transport all of the residents.

Diana Harms, 2413 SE HWY 54, stated that she was for a homeless shelter but against the location at the Blue Spruce. She stated that it was not conducive to a life for children because it does not provide access to amenities that children wish to be near.

Debra Work, 1210 S Topeka and Real Estate agent assisting the Butler Homeless Initiative, stated that the decision to have a homeless shelter was a business decision and the only decision that needed to be made by the City Commission was whether it met zoning requirements. She stated that it is centrally located near the work force and other assistance which makes it a good location.

Connie Phillips, 216 W Central, stated that she had assisted with the beginning of the Prison and the Women's shelter. She stated that many of the fears and misconceptions associated with those two facilities have not come true.

Larry Adams, 1756 W 3rd, stated he did not believe there was a homeless problem in El Dorado. He stated that he owns the property behind the Blue Spruce and has had a problem with theft over the last year and was concerned that the homeless shelter would bring more problems to the area.

Linda Rumsey, 2020 SE HWY 54, stated that she felt the Blue Spruce Motel was not the best location for the homeless shelter. She felt it would be better if they did not have to drive back and forth, it would be better to be closer to health services, and there was no tornado shelter in the area.

Judith Storandt, 105 Race St, stated that she felt there was a homeless problem in our community. She stated that it was important to remember that this is transitional housing and only designed to last a few months at the most.

Ron Zerphis, 220 Dellway, stated that transitional housing is a pivotal piece in providing care for homeless. He stated that it allows people to take the opportunities that will help them get out of the situation they are in.

Natalie Donges, 2873 SE HWY 54, that out of 53 residences she visited in the area, 33 opposed the shelter at the Blue Spruce. She stated she felt that the standard of living in the area would go down.

Ms. Donges stated that she felt that it would be better to purchase several homes across the County.

Ms. Donges also expressed concerns regarding the competition of a non-profit organization running a similar business to hers.

Bryce Sanner, 720 S Taylor, was in favor of the homeless shelter at the Blue Spruce.

Corey Landreth, 804 S Denver, stated he felt that the concerns regarding the type of people in the area are unfounded as they already exist in all areas of El Dorado. He stated that he felt individuals would prefer a small dimly lit room to a tent when the weather is bad.

Reverend Christine Gilson, 1305 Park Avenue, asked for clarification on what the Commission is voting on.

Mr. Rickard stated that the first item being considered is a rezone from R-S to C-1, and the second was a special use permit for transitional housing.

Ms. Harms asked if the area was rezoned, but the special use permit was denied, would they be required to pay commercial taxes on the property.

Mr. Rickard stated that taxation was based on use, not zoning.

Ms. Harms stated that she did not believe it was true.

Mr. Rickard stated he thought that the property was already being taxed as a commercial property.

Melissa Phillips, 2485 SE HWY 54, stated that she was concerned for the safety of children in that area. She felt the location was not a good location for the shelter and could be better suited somewhere closer to the services they need. She stated that there were also concerns about fire and storm safety.

RECESS

Commissioner Bill Young moved to recess for ten minutes and to return at 9:19 p.m.

Commissioner Nick Badwey seconded the motion.

Motion carried 5 – 0.

Mayor Fagg called the meeting back to order at 9:19 p.m.

Phil Gault, 5 Taylor Avenue, stated that there would never be a perfect place for a shelter, there would always be homeless in need of a shelter.

Mike Payton, 1027 SE Connor Rd, stated he was in support of the shelter. He stated that the highway was dangerous, he allows his children to play in the lot near the highway and felt that the chances of something happening are slim.

Mark Habluetzel, S Star, stated that he felt it was important to trust those individuals who have put their time into this project over the last six years to have chosen a good place for the shelter.

David Wilson, 1179 SE Connor Rd, stated that he felt it should be tabled until the County and the Planning Commission have passed it. He stated it would not be good for the City Commission to go against those who are there to provide the City Commission guidance.

Commissioner Locke stated he has heard from both sides of this issue equally. He stated that he felt people were afraid of what they don't know and understand. He stated that the community does need something.

Commissioner Locke encouraged everyone to be open to new ideas.

Commissioner Young stated that even though he has spent time in homeless shelters as a volunteer and understands the need for one, he does not want to discount the fears and concerns of others. He stated that there are concerns about the numbers provided because they include people like his sister in law that lived with him yet was listed as homeless because he was not her parent or legal guardian.

Commissioner Young stated that he is considering the rezoning and the special use permit, not the details of the homeless shelter. He would like to find a workable solution for all of those that care about the situation.

Commissioner Badwey apologized for the issues with his cell phone over the last few weeks as people tried to contact him regarding this topic.

Commissioner Badwey asked if there would be food service or a meal program.

Ms. Gault stated that the two bedroom apartment would be converted to an office, small kitchen and laundry facility. She stated each room will also have a refrigerator and microwave.

Commissioner Badwey asked to address the traffic concern, he stated that people can walk on the highway, not hitch hike.

Ms. Gault stated that there will be structure and regulations for the facility to ensure that residents are being safe and kept track of.

Commissioner Badwey asked if there would be some activity there for people who did not leave the facility.

Ms. Gault stated there would be assigned tasks for those individuals.

Commissioner Badwey asked about the hours of operation.

Ms. Gault stated that in the early years, the plan was to close during the day. She stated that as they have recognized the needs of women and children, they have changed the plan for the hours of operation.

Commissioner Chapin thanked everyone who spoke for the way they conducted themselves.

Commissioner Chapin stated he would like to see the new management plan before making a decision. He also stated he would like to know the answers to the questions being asked before the special use permit is passed.

Commissioner Chapin stated he was concerned about the volunteers and how long they would be committed. He stated he would like a better understanding of how it will be staffed.

Commissioner Chapin stated he has difficulty going against the County and the Planning Commission.

Mayor Fagg stated that he has done a lot of research on this topic. He stated that the County Commission and City Planning Commission have drifted away from the actual issue. He stated that both the City and County Planners have recommended approval of the rezone, and he agrees with those recommendations.

Mayor Fagg stated after reading the letters that have been written to him, he felt that the goal of the group was to help people become contributing members of our society.

Commissioner Badwey stated that this is the toughest issue he has seen in his five years on the City Commission. He stated that he doesn't remember the Planning Commission ever making a recommendation against City Staff and wished more of them had been present to discuss the issue.

Commissioner Young asked staff to address that issue.

City Manager Llewellyn stated that staff examine the ordinances that the City Commission has passed. He stated in this case it is the Comprehensive Plan as it relates to land use that is being examined. He stated that the existing use is commercial and the zoning is residential suburban.

City Manager Llewellyn stated the future use for the property is listed as mixed. He stated that staff have based their recommendation on the fact that it has been commercial for so long, the probability that the hotel would be denied a commercial use permit if something were to happen and they wanted to rebuild is very unlikely.

City Manager Llewellyn stated that staff are not giving the City Commission an opinion; our recommendations are based on fact and historical use.

Commissioner Young asked what the purpose of having these committees if we did not listen to them.

City Manager Llewellyn stated that State Statute gives the City Commission ultimate authority in this situation. He stated that it is easier to have recommendation on these topics from other boards so that the City Commission does not have to do all of the work. He stated in this case, the State has provided a way to go against the board's wishes by having a super majority approve the request, which is four out of five members of the Commission.

City Manager Llewellyn stated that if it is the wish of the City Commission to change that area to a single family home if it were to burn down, then they should vote against the rezone. He stated that the first half of the question is only regarding making the property commercial. He stated that the special use portion is the more difficult discussion because it is not a commercial group.

Commissioner Chapin asked if waiting two weeks would cause a problem.

Ms. Gault stated that their contract runs out tomorrow.

Mayor Fagg confirmed that waiting two weeks would serve the purpose of allowing the rest of the Commission to read the new management plan.

Ms. Gault explained that they were unaware prior to this point that they needed a more extensive plan.

Commissioner Chapin stated he isn't trying to be difficult; he is simply trying to do his due diligence.

Commissioner Young pointed out that most of the questions at the County level could be answered by the new management plan.

Commissioner Chapin moved to table the issue until there was time to review the management plan.

Commissioner Badwey asked what it does to the real estate deal.

Ms. Work stated she would have to ask for an extension, she stated there was no indication that they would not do it.

Mayor Fagg asked if Commissioner Locke had questions since he had time to review the new plan.

Commissioner Locke didn't feel that he had questions; he stated that it just made some points a little more clear.

Ms. Work stated that the preliminary plan was within the City limits and law enforcement authority would be the responsibility of the City. The new plan places that responsibility with the County Sheriff. She stated that it also addresses the changes in hours of operation as well as some other specific aspects of the program.

Matt Perez, Planning and Zoning, stated that the plans were very similar. The new plan just included site specific information.

Commissioner Locke stated he was in favor of it, and felt that in order to get more people on board, he seconded the motion to table the issue.

Motion carried 4 – 1 (Mayor Fagg opposed).

SPECIAL USE PERMIT TO ALLOW OFF-SITE PARKING ON PROPERTY LOCATED AT 109 S MAIN AND 111 S MAIN (CASE NO. 14-003-SUP)

Matt Perez, Planning and Zoning, stated that El Dorado Investors Inc. has requested a special use permit for a parking lot at 109 and 111 S Main with the potential for fifteen parking spaces.

Mayor Michael Fagg asked if there was a recommendation from Main Street.

City Manager Herb Llewellyn stated that they discussed the issue and there has been no recommendation from Main Street.

Mr. Perez stated that the Planning Commission recommended approval 5 – 0. He stated that there is a recommendation to do a roll curb in order to ensure that the owner at 107 S Main is not landlocked.

Commissioner David Chapin asked if there would be issues if someone wanted to place a building there in the future.

Mr. Perez stated that there would not be.

Mayor Fagg asked why parking was not addressed before the new building on Central was begun.

Mr. Perez stated that parking was not required in the downtown district.

Mayor Fagg asked if the owner on the North side was approached.

Mr. Perez stated he was unaware if she was approached.

Mayor Fagg asked who would maintain the alley.

Scott Rickard, Assistant City Engineer, stated that the City was responsible.

Mayor Fagg asked if it was up to City standards.

Mr. Rickard stated that it was and was used often for trash trucks and other traffic.

Commissioner David Chapin moved that the recommendation of the Planning Commission to approve Case No. 14-003-SUP requesting a Special Use Permit to allow an off-street parking lot at 109 S Main and 111 S Main Street be accepted and that Ordinance No. G-1170 be approved.

Commissioner Bill Young seconded the motion.

ROLL CALL VOTE

Position No. 2	Commissioner Bill Young	Yes
Position No. 3.	Commissioner Nick Badwey	Yes
Position No. 3	Commissioner David Chapin	Yes
	Mayor Michael Fagg	Yes
Position No. 1	Commissioner Chase Locke	Yes

BUTLER COUNTY WATER COORDINATING COMMITTEE RESOLUTION AND CITY COMMISSION APPOINTEE

City Manager Herb Llewellyn stated that the County has developed a committee to look at water in Butler County. He stated that the County Commission has approved the attached resolution and are requesting that the City do the same and appoint a representative to the committee.

City Manager Llewellyn stated that staff have developed a map showing the portion of Butler County that is served by the City of El Dorado. He stated that only a small portion of the County is being it served by another source.

Commissioner Chase Locke confirmed that no matter what policy the County creates, it would not affect the City because the County does not own the water.

City Attorney Jim Murfin stated that in paragraph five of the agreement, it states that the committee has the ability to develop its powers and duties and the City of El Dorado could be negatively impacted by their decisions. He stated that his recommendation is to strike the fifth paragraph in its entirety and rely on the specific ones listed later in the document.

Commissioner Locke stated that it is important to be good neighbors and also to protect our interests. He stated that he supports the committee as long as it does not negatively affect the citizens of El Dorado.

Mr. Murfin stated that he would suggest substituting language stating that the City's participation is to solely exchange ideas; none of the decisions would be binding to the City of El Dorado.

Mayor Fagg asked why this recommendation had not been brought to the Commission prior to now.

Mr. Murfin stated that as more information has been provided recently, it has caused him to consider the document differently.

City Manager Llewellyn stated that the last time the City Commission discussed this resolution they decided to ask for two positions on the committee. He stated that it was only recently that the County said no to that request. He stated that he did not know when it could have been done sooner.

Mayor Fagg stated that he has recently visited with all of the Mayors on the committee and all of them have agreed to give El Dorado two positions on the committee.

Commissioner Badwey asked how they could proceed.

Mr. Murfin stated that with the changes in the appointees, he could suggest other changes and send them to be approved.

Mayor Fagg stated that based on those conversations, a second person could be added to the committee from El Dorado without a change to the resolution.

Commissioner Locke stated that he would rather make sure the city is protected than worry about a second person.

Commissioner Bill Young stated that he felt the changes were necessary in order to pass the City Commission.

Mr. Murfin asked if that would change in the number of members from El Dorado would change the number of members on the committee.

Mayor Fagg stated that it was one of the abilities of the committee to add other members. He confirmed that it was the belief of the attorney that the resolution had other issues negatively affecting the City of El Dorado.

Mr. Murfin stated that it was his duty to protect the City of El Dorado and he believed the best way to do that was to strike that language from the resolution prior to passing it.

Commissioner Badwey suggested that Commissioner Young be the additional member on the committee.

Commissioner Chase Locke moved to approve the attached Resolution with the changes recommended by the City Attorney and to appoint Mayor Michael Fagg and Commissioner Bill Young to serve on the Butler County Water Coordinating Committee.

Commissioner David Chapin seconded the motion.

Motion carried 5 – 0.

REMOVAL OF ON-STREET PARKING – S MAIN (LOCUST –BNSF OVERPASS)

Scott Rickard, Assistant City Engineer, stated that with the completion of the recent mill and overlay project, staff are requesting a no-parking restriction be placed in that area in order to allow for a four lane marked roadway.

Mr. Rickard stated that notices were sent to the adjacent property owners, two contacted staff but did not have any specific opinion.

Commissioner Nick Badwey asked if everyone had off street parking.

Mr. Rickard stated that all of the businesses did, the houses would still have on street parking because of the way the roadway narrows to the bridge.

Mr. Rickard stated that this would allow for a dedicated turn lane for trucks onto the traffic way.

Commissioner Chapin stated that the corner would be difficult to make for trucks who use the whole roadway to turn onto the traffic way.

Mr. Rickard stated that this corner is the same radius as sixth to his knowledge.

Commissioner Chapin asked if more traffic was moving that direction.

Mr. Rickard stated that this was being done to control the traffic.

Commissioner Chapin stated that he was in opposition to putting in a second land which would prevent the trucks from making that turn.

Commissioner Nick Badwey moved that Ordinance No. G-1171 an ordinance pertaining to parking be approved.

Commissioner Chase Locke seconded the motion.

ROLL CALL VOTE

Position No. 3.	Commissioner Nick Badwey	Yes
Position No. 3	Commissioner David Chapin	No
	Mayor Michael Fagg	Yes
Position No. 1	Commissioner Chase Locke	Yes
Position No. 2	Commissioner Bill Young	Yes

NEW BUSINESS

Commissioner David Chapin thanked staff, citizens and the Commission for their work tonight.

Commissioner Chase Locke seconded the motion and stated it was refreshing to hear more than one side of an issue.

Mayor Michael Fagg also agreed.

Commissioner Bill Young also thanked everyone for their work. He stated he would like to recognize the middle school students who came to talk tonight and stated he would like to see all of the letters scanned in so they can be read by the whole Commission.

Commissioner Nick Badwey asked if there was a work session on Wednesday.

City Manager Herb Llewellyn stated that there was one scheduled on water.

Mayor Fagg asked about the American Legion parking lot issue. He recommended that the City Attorney clarify the portion of the contract that discusses our duties to the Legion property.

The other Commissioners agreed with the expansion of the contract and asked what the number was.

City Manager Herb Llewellyn stated that the amount was approximately \$16,000 for repair.

Scott Rickard, Assistant City Engineer, stated that the number included sealing and patch repair although we were unsure what the original parking lot looked like.

City Manager Llewellyn stated that the City goes for many years before making repairs to parking lots.

Mayor Fagg stated that the contract was written badly and so we had to pay it.

Commissioner Young disagreed; he stated that the problem was that the Legion did not read the contract prior to the repairs.

Mayor Fagg stated that the sentence is not specific enough.

City Manager Llewellyn stated that it was important for them to discuss it with us.

Mayor Fagg stated that it was important to get the issue behind us.

Commissioners Badwey and Chapin were in agreement.

Commissioner Young stated he also wanted to move on, but was unable to say that the City would have done that repair because there was no assessment prior to the repair.

Commissioner Young stated that it was important to make it clear moving forward that everyone should understand that if the City is responsible for upkeep, we will not pay other individuals for repairs that are not approved.

City Manager Llewellyn asked where this issue ends.

Mayor Fagg stated that it ends with the contract.

City Manager Llewellyn stated that it is in writing today and they did not read it. He asked what would happen if someone in the future does this and then comes to the Commission asking for reimbursement.

City Attorney Jim Murfin asked if this could be on the next agenda so that he has time to develop an agreement for approval.

Commissioner Young asked why a new agreement would matter in five years if the current one did not matter this time.

Commissioner Locke stated he felt the members of the Legion were sincere about the misunderstanding and are asking for assistance.

Mayor Fagg asked if they felt the parking lot needed to be repaired.

City Manager Llewellyn stated he felt that in fell in the same request to tear down the Girl Scout's building and the City building. He felt that it was about sprucing up the property for an upcoming event.

Mayor Fagg asked why we are leasing the property.

City Manager Llewellyn stated that it was for economic development.

Mayor Fagg asked how much the lease was.

City Manager Llewellyn stated that he was not sure.

Mayor Fagg asked to review the item at the new meeting.

Mayor Fagg asked if the project on Main was a KLINK project.

Mr. Rickard stated it was.

Mayor Fagg asked if the 6th & Main project was a KLINK project.

Mr. Rickard stated that it was not.

Mayor Fagg asked if the 6th & Main project was reviewed by an engineer.

Mr. Rickard stated that it was reviewed by the KDOT engineer because it was their project. He stated that the City only provides recommendations on the State projects in our city limits.

Mayor Fagg asked if the City could go back on the bond because the project was inadequate.

Mr. Rickard stated that he did not believe the State was bonded. He stated that typically if the project is closed by the State, the City often works with the construction company to do work to correct issues because we have good relationships with them.

Mayor Fagg asked if the State knows we have problems with the project.

Mr. Rickard stated that they are.

Mayor Fagg asked if he could see the expenditure reports for 2013.

City Clerk Tabitha Sharp stated that the final amounts would be included in the 2015 budget discussions and provided to the Commission at that time.

CITY MANAGER'S REPORT

City Manager Herb Llewellyn stated that executive session could wait until Wednesday's meeting.

ADJOURNMENT

Commissioner David Chapin moved to adjourn the meeting at 11:12 p.m.

Commissioner Chase Locke seconded the motion.

Motion carried 5 – 0.

City Clerk Tabitha D. Sharp

Mayor Michael A. Fagg

The El Dorado City Commission met in special session on April 23, 2014 at 4:00 pm in the Commission Room with the following present: Mayor Michael Fagg, Commissioner Chase Locke, Commissioner Bill Young, Commissioner Nick Badwey, Commissioner David Chapin, City Manager Herb Llewellyn, City Attorney Jim Murfin, Assistant City Engineer Scott Rickard, and City Clerk Tabitha Sharp.

VISITORS

John Bailey		El Dorado, KS
Kurt Bookout	220 E 1 st	El Dorado, KS

CALL TO ORDER

Mayor Michael Fagg called the April 23, 2014 Special City Commission meeting to order at 4:00 p.m.

REVIEW OF ADVISORY BOARD RENEWALS AND NEW APPLICATIONS

Staff reviewed advisory board renewals and new applications.

The City Commission requested that staff ask if the Library Board could add another member in addition to the position that is already vacant.

EXECUTIVE SESSION

Commissioner Bill Young moved to recess into an Executive Session for the purpose of discussing legal matters, and to reconvene the regularly scheduled meeting in the City Commission room at 5:31 p.m.

Commissioner Chase Locke seconded the motion.

Motion carried 3 – 1 (Commissioner Badwey was out of the room and Mayor Fagg opposed the motion).

Mayor Michael Fagg called the meeting to order at 5:31 p.m.

Commissioner Bill Young motioned to return to Executive Session for an additional 30 minutes and to reconvene at 6:00 p.m.

Commissioner Chase Locke seconded the motion.

Motion carried 3 – 1 (Commissioner Badwey was out of the room and Mayor Fagg opposed the motion).

Mayor Michael Fagg reconvened the meeting at 6:05 p.m.

Commissioner Bill Young moved to return to Executive Session until 6:35 p.m.

Commissioner Nick Badwey seconded the motion.

Motion carried 3 – 1 (Commissioner Chapin remained in the conference room and Mayor Fagg opposed the motion).

Mayor Michael Fagg reconvened the meeting at 6:40 p.m.

ADJOURNMENT

Commissioner David Chapin moved to adjourn the meeting at 6:40 p.m.

Commissioner Chase Locke seconded the motion.

Motion carried 4 – 0 (Commissioner Badwey did not return to the City Commission room).

City Clerk Tabitha D. Sharp

Mayor Michael A. Fagg

EL DORADO CITY COMMISSION MEETING

May 5, 2014

The El Dorado City Commission met in a regular session on May 5, 2014 at 7:00 pm in the Commission Room with the following present: Mayor Michael Fagg, Commissioner Chase Locke, Commissioner Bill Young, Commissioner Nick Badwey, Commissioner David Chapin, City Manager Herb Llewellyn, Assistant City Engineer Scott Rickard, and City Clerk Tabitha Sharp. Absent: City Attorney Jim Murfin.

VISITORS

Mike Ward	1805 Lawndale	El Dorado, KS
Tom Storrer	2429 Murray Ct	El Dorado, KS
James Cook	719 Fredrick Dr	El Dorado, KS
Andrew Conard	502 S Denver	El Dorado, KS
John & Darlene Montgomery	967 SE Spires	El Dorado, KS
Bert & Jan Anderson	1810 Kendrick Ln	El Dorado, KS
Matt & Cheryl Acuff	4123 NW Tawakoni Rd	El Dorado, KS
Jeff Sparks	1101 SE Conner Rd	El Dorado, KS
John Provorse	6313 SW Purity Springs	El Dorado, KS
Charles Cave	1730 SE Price Rd	El Dorado, KS
Leah Ford	523 Linda Ln	El Dorado, KS
Jerry Probert	904 Rim Rock	El Dorado, KS
Jon Walker	207 Race	El Dorado, KS
Sue Choens	615 S Gordy	El Dorado, KS
Julie Clements	El Dorado Times	El Dorado, KS
Curt Ziemann	128 N Vine	El Dorado, KS
Matt Perez	220 E 1 st	El Dorado, KS
Melody Gault	5 Taylor Ave	Augusta, KS
Macy Gaines	411 Main	Towanda, KS
Nancy Green	1013 S Topeka	El Dorado, KS
Clinton & Sonya Milbourn	121 N Emporia	El Dorado, KS
Alyce Logsdon	809 Charron Dr	El Dorado, KS
Debby Work	1210 S Topeka	El Dorado, KS
Nita Whiteman	515 Prairie Rd	El Dorado, KS
Natalie Donges	2873 SE HWY 54	El Dorado, KS
Linda Rumsey	2020 SE HWY 54	El Dorado, KS
Paul & Myrna Byfield	1870 SE Rive Rd	El Dorado, KS
Mary Morris	2020 Maple	Augusta, KS
Martin Goedecke	2369 SW 60 th	El Dorado, KS
Ted & Alice Farmer	1635 Pennsylvania	El Dorado, KS
Kurt Bookout	2520 Kacy Ct	El Dorado, KS

CALL TO ORDER

Mayor Michael A. Fagg called the May 5, 2014 meeting to order.

INVOCATION

Commissioner Nick Badwey opened the meeting with an invocation.

PLEDGE OF ALLEGIANCE

Skelly Elementary 3rd graders led the pledge of allegiance.

PROCLAMATION

Mayor Michael Fagg read the proclamation declaring April poppy month in honor of service men and women in the United States.

Mayor Michael Fagg read the proclamation declaring the first week of May, Elks Lodge Youth Week.

Phil Wickwire, El Dorado Elks Lodge, thanked the Commission and City staff for their assistance in making kids night out a successful event.

PERSONAL APPEARANCE

Police Chief Curt Ziemann presented the state of the police department.

The Commission thank Chief Zieman and his officers for their work in keeping the city safe.

PUBLIC COMMENT

Mayor Michael Fagg opened the floor for public comments.

There were no public comments.

CONSENT AGENDA

Approval of the City Commission minutes from April 21, 2014 and Special City Commission minutes from April 16, 2014 and April 23, 2014.

Approval of Appropriation Ordinance 04-14 in the amount of \$2,133,193.18.

Commissioner Bill Young moved to approve the consent agenda as presented.

Commissioner David Chapin seconded the motion.

Motion carried 5 – 0.

APPLICATION TO REZONE 2058 SE HIGHWAY 54, EL DORADO, KANSAS FROM R-S RESIDENTIAL SUBURBAN DISTRICT TO C-1 GENERAL BUSINESS DISTRICT (CASE NO. 14-001 REZ) AND SPECIAL USE PERMIT TO ALLOW TRANSITIONAL HOUSING LOCATED AT 2058 SE HIGHWAY 54 (CASE NO. 14-002-SUP)

City Manager Herb Llewellyn stated that this item was a continuation from the previous meeting. He stated that staff have recommended the use as consistent with the comprehensive plan. The County Commission and Planning Commission have both denied the application. He stated that to approve their recommendation it takes a 3-2 vote, to overturn the decision it takes a 4-1 vote.

Debby Work, Attorney for the Butler Homeless Initiative, stated that the contract has been extended to this meeting for the purchase of the motel, but it will expire tomorrow. She reviewed the differences between a motel and the homeless shelter being run at this property.

John Montgomery, 967 SE Spires Rd, stated he did not believe the motel was the proper place for a homeless shelter.

Natalie Dondges, 2873 SE HWY 54, asked if BHI if the grant money would be to increase the size of the facility. She also asked if they would turn away people who tested positive for TB. She also stated she was concerned about the City Commission going against the County and the Planning Commission.

Scott Rickard, Assistant City Engineer, stated that there would only be 30 residents allowed even if they expanded the property.

City Manager Llewellyn clarified that the Commission was not discussing a variance, it was a special use permit.

John Provorse, 6313 SW Purity Springs, stated he felt having an organized homeless shelter in town would help the people in town who are leasing property.

Myrna Lightfield, 1870 SE River Rd, stated that she asked Debby Work to update their website to include the new management plan. She stated that as of tonight, the website had not been updated since February. She felt that if the zoning was not passed, they would use the motel as a homeless shelter without permission. She also felt that the motel would not be large enough for their plan.

Ms. Lightfield stated she felt Commissioner Locke should recuse himself from the vote because of his employment with Numana.

Tim Dondges, 2873 SE HWY 54, stated he did not feel that the homeless shelter would be a good fit in our small community.

Melody Gault, 5 Taylor Ave Augusta, KS, asked the City Commission to approve the zoning and special use permit in front of them tonight.

Leah Ford, 523 Linda Lane, stated she felt the Commission should remember they are dealing with people in this situation not things.

Sonya Milbourn, 121 N Emporia, stated that the Safehouse has served as a homeless shelter over the last several years and never had any complaints about that home.

Commissioner Chase Locke began by addressing the concerns that he should recuse himself because of his employment. He stated that the staff have not endorsed the shelter and he has only become aware of the issue over the last two weeks.

Commissioner Locke stated that he did believe that there were people in the area that needed assistance.

Commissioner Locke stated he is more comfortable with the proposal because it is limited to 30 people by City ordinance. He stated that in his experience the facilities with larger populations have more issues.

Commissioner Locke stated that after further review with City staff, he believes that this proposal does meet the Comprehensive Plan. He stated it is tough to go against the Planning Commission, and in that meeting, there were several members absent. He also stated that it mentions in the County Commission minutes one of the Commissioners stated that it followed their comprehensive plan as well.

Commissioner Nick Badwey stated that the issue to him is land use. He stated that he has reviewed the minutes of the Planning and County Commission meetings. He stated that the comments were matters of opinion, not particularly based in fact. He also stated that it caught his attention that the County Commission stated it met their Comprehensive Plan and still voted against it.

Commissioner Bill Young stated he appreciated the individuals who came to the meeting to express their opinions.

Commissioner Young stated that the Comprehensive Plan does support this use, it does not specifically address the homeless shelter.

Commissioner Young stated that he did not appreciate the scare tactics used by both sides of the issue. He stated he could not discount how people feel about their homes and properties.

Commissioner Young stated he is looking at this in three areas. He stated that the Planning Commission is the first, the County Commission is the second and both of these entities after reviewing information have voted no. He stated that the final portion is the opinion of the people in the area. He stated that after sending the notices and holding the public hearings, he has to consider the opinions of those people.

Commissioner Young stated that he hopes that the BHI board understands that the City Commission has to consider all sides of the issue.

Commissioner David Chapin stated that he felt the same as Commissioner Young. He stated he has reviewed the new plan and thanked both sides of the issue for their input.

Mayor Michael Fagg stated that he felt that neither of the other boards was a clean decision because of their split votes. He stated he could see that BHI was trying to fill a need and if not at the motel they would find another place because that is their purpose.

Commissioner Bill Young moved to approve Case No. 14-001-REZ requesting a rezoning of 2058 SE Highway 54, El Dorado, Kansas, be accepted and that Ordinance No. G-1172 be approved.

Commissioner David Chapin seconded the motion.

Commissioner Chapin confirmed that they were voting on the commercial designation of the property.

City Manager Llewellyn confirmed that they were.

ROLL CALL VOTE

Position No. 4	Commissioner David Chapin	Yes
	Mayor Michael Fagg	Yes
Position No. 1	Commissioner Chase Locke	Yes
Position No. 2	Commissioner Bill Young	Yes
Position No. 3	Commissioner Nick Badwey	Yes

Commissioner Chase Locke moved to approve Case No. 14-002-SUP requesting a Special Use Permit to allow Transitional Housing on the property located at 2058 SE Highway 54, El Dorado, Kansas, be accepted and that Ordinance No. G-1173 be approved under the conditions that BHI has purchased adequate transportation, it is to be used only as a homeless shelter, and that there is a designated and safe area for the children to play.

Commissioner Nick Badwey seconded the motion.

ROLL CALL VOTE

	Mayor Michael Fagg	Yes
Position No. 1	Commissioner Chase Locke	Yes
Position No. 2	Commissioner Bill Young	No
Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner David Chapin	No

ADVISORY BOARD REAPPOINTMENTS AND NEW MEMBER APPOINTMENTS

City Manager Herb Llewellyn stated that at the April 23, 2014 Special City Commission meeting, the Commission reviewed applications for available advisory board positions. The following were reviewed favorably:

Re-appointments:

Board	Name	Term
Board of Zoning Appeals	Eddie Dean Jr.	5/1/14 – 5/1/17
CTC	Randy Just	5/1/14 – 5/1/16
CTC	Natalie Donges	5/1/14 – 5/1/16
CTC	Jean Plummer	5/1/14 – 5/1/16
Planning Commission	Fred Britain	5/1/14 – 5/1/17
Prairie Trails Advisory Board	Tracy Clites	6/1/14 – 6/1/17
Prairie Trails Advisory Board	Dusty Davis	6/1/14 – 6/1/17
Recreation Advisory Comm.	Doug Bell	5/1/14 – 5/1/16
Recreation Advisory Comm.	Miles Harvey	5/1/14 – 5/1/16
Tree Board	Betty Kirkpatrick	5/1/14 – 5/1/17

New Appointments:

Board	Name	Term
Library Board	Mary Martha Good	5/1/14 – 5/1/15

Mayor Michael Fagg asked if Richard King could be added to the appointments because the Commission had received an e-mail from the Library Director saying that a position has opened up within the last week.

City Manager Llewellyn stated that Commission policy is that appointments are to be considered at a work session prior to approval.

Mayor Fagg stated that he had already been discussed in the work session.

Commissioner Bill Young asked if all of the information had been communicated to the City Manager’s assistant in order to confirm what was available.

City Manager Llewellyn stated he was unaware of any communication.

Commissioner Badwey asked if it was ok if they placed Ms. Good in the full term position and Mr. King in the partial position.

Commissioner David Chapin moved to approve the advisory board member re-appointments and new member appointments as specified here within with the addition of Mr. Richard King to serve in a partial term on the Library Board and Ms. Mary Martha Good to serve the full term that is available.

Commissioner Nick Badwey seconded the motion.

Commissioner Bill Young thanked those who had volunteered. He also stated that there were positions on the Prairie Trails Board, Recreation Board, Tree Board, and Planning Commission. The Planning Commission member must live within a three mile radius of El Dorado.

Mayor Fagg asked if it will be advertised on Channel 7.

City Manager Llewellyn stated that it would.

Motion carried 5 – 0.

RECEIVE THE PETITION ON PROJECT NO. 443 – PAVING BELMONT HEIGHTS 3RD ADDITION PHASE 2

Scott Rickard, Assistant City Engineer, stated that the owners of the Belmont Addition have petitioned the City requesting that Phase 2 of the Belmont Heights 3rd Addition be paved. He stated that the total estimated costs for the project are \$312,515; the benefit district is responsible for \$176,322 and the City-at-large costs are \$136,192 for intersections and storm sewer.

Mr. Rickard showed graphs illustrating the anticipated revenues for the city.

Mayor Fagg asked how many lots were in phase one.

Mr. Rickard stated that there were seven; he stated that the whole plat has 15 lots.

Mayor Fagg asked why it was not all done at once.

Ted Farmer, 1635 Pennsylvania, stated that they had wanted to ensure that there was interest in the property. He stated that there had also been a small delay due to the movement of a telephone utility line.

Martin Goedecke, Goedecke Engineering, stated that they are moving forward with the rest of the lots because of the interest in the first seven.

City Manager Herb Llewellyn stated that it was normal for developers to build in stages.

Mayor Fagg asked what the total cost is for citizens of El Dorado.

Mr. Rickard stated that the City pays for intersections and storm sewer which is included in the \$136,192. He stated that the utility department pays for water lines. He also stated that specials are held sometimes for four years in and use temporary notes to finance them so that the developers have time to sell the lots. The developer then in turn pays the interest on the temporary notes.

Mr. Rickard stated that there is also a neighborhood revitalization program available for the area. He stated that as part of the agreement with El Dorado Inc. and the City, spec housing was being built to entice new residents to the city.

Mr. Rickard stated that according to the estimates, there is \$60,000 in tax revenue generated each year off just eight lots.

Mayor Fagg asked about the stormwater costs.

Mr. Rickard stated that Goedecke Engineering will be doing a more extensive stormwater plan; they have preliminary plans for the plat now. He stated that the City does pay some of those costs.

Mr. Goedecke stated that stormwater will be collected on the streets and go to the northwest and into a pond on Mr. Farmer's farm.

Mayor Fagg stated he would like to have the same kind of graph for the Griller addition to compare it to other developments.

Commissioner Bill Young stated that a graph would be good for Vintage Place as well.

Mr. Rickard reminded the Commission that staff recommended that Griller be developed a different way and that the Commission went another direction. He stated that it is unfortunate how the addition has turned out, but there are new homes there today.

Commissioner David Chapin stated that the reason developments are handled the way they are now is because the Commission has learned from past mistakes and wants to do things the best way possible.

Commissioner Bill Young moved that Resolution No. 2732, a resolution determining the advisability of the making of certain internal improvements in the City of El Dorado, Kansas; making certain findings with respect thereto; and authorizing and providing for the making of the improvements in accordance with such findings (Paving Improvements/Project No. 443).

Commissioner Chase Locke seconded the motion.

Mayor Fagg stated that when this is approved, it becomes debt. He stated that he did not want to do more until the first phase had been sold.

Commissioner Chapin confirmed that the builders were paying the interest.

City Manager Llewellyn stated that El Dorado Inc. had recommended as part of their housing plan that the City allow builders to utilize the City's temporary financing costs in order to encourage development.

Mr. Rickard asked the Mayor to restate his comprehensive plan concerns.

Mayor Fagg stated that we are not following what was put forth in the comprehensive plan.

Mr. Rickard reminded him that the comprehensive plan had been amended per City Ordinance.

Mayor Fagg stated he did not agree with altering the comprehensive plan.

Commissioner Badwey stated that it had been discussed by the City Commission at the time as a way to stimulate growth. He stated that if the Mayor wanted to change it back, he could make a motion to change it another time.

Commissioner Chapin stated that he believed that if there were questions about a policy, they should have been brought forward before these developers were already in the middle of their project.

Commissioner Badwey stated that he did not believe the Mayor was comparing apples to apples because the lots in these additions were more desirable than the Griller addition.

Mayor Fagg stated he felt that all developers should be treated the same and he felt that the Sweet Tree Addition was given more.

City Manager Llewellyn stated that the only different in that addition was that the developer decided to pay costs out of his pocket instead of going to bond which is why those lots are more expensive.

Mr. Rickard stated that all developers are treated equally, exemptions are granted by the City Commission occasionally, but staff treat each developer the same.

Motion carried 4 -1 (Mayor Fagg opposed).

RECEIVE THE PETITION ON PROJECT NO. 444 – SANITARY SEWER BELMONT HEIGHTS 3RD ADDITION

Scott Rickard, Assistant City Engineer, stated that this petition is for the sanitary sewer improvements to the Belmont Heights 3rd Addition. The developer is responsible for 100% of these costs, which are estimated at \$84,677.

Commissioner Chase Locke moved that Resolution No. 2733, a resolution determining the advisability of the making of certain internal improvements in the City of El Dorado, Kansas; making certain findings with respect thereto; and authorizing and providing for the making of the improvements in accordance with such findings (Sanitary Sewer Extension Improvements/Project No. 444).

Commissioner Bill Young seconded the motion.

Motion carried 4 – 1 (Mayor Fagg opposed).

RECEIVE THE PETITION ON PROJECT NO. 436 – PAVING ON CRISS 9TH

Scott Rickard, Assistant City Engineer, stated that this petition was for paving and storm sewer for 22 lots in the Criss 9th addition. He stated that the total estimated costs for the project are \$527,449.60; the benefit district is responsible for \$388,377.47 and the City-at-large costs are \$139,072.13 for intersections and storm sewer.

Mr. Rickard again presented slides on the anticipated revenues from taxes and utilities.

Mayor Fagg asked if an engineer had looked at the storm sewer.

Martin Goedecke, Goedecke Engineering, stated that the majority of the stormwater runs off of the golf course and into the pond near the addition. He stated that they would be rehabilitating that pond. He stated that it was anticipated that the drainage onto 12th Street would be less than it is now. He stated that the water that runs to the east will go into the ponds at Vintage Place.

Mayor Fagg asked if this will prevent water from standing on 12th Street under the bridge.

Mr. Goedecke stated that it will not solve the problem, but it will not contribute anymore water to the issue.

Commissioner Bill Young moved that Resolution No. 2734, a resolution determining the advisability of the making of certain internal improvements in the City of El Dorado, Kansas; making certain findings with respect thereto; and authorizing and providing for the making of the improvements in accordance with such findings (Paving Improvements/Project No. 436).

Commissioner David Chapin seconded the motion.

Mayor Fagg asked if the property was zoned R-1 or R-3.

Mr. Rickard stated that the property is zoned R-3, the proposed lots will only accommodate R-1 which is an allowed use.

Mayor Fagg asked if it can be required to be R-1.

Mr. Rickard stated the intent of the developer was to only allow single family housing.

Mayor Fagg asked if we could move forward with that.

Mr. Rickard stated that it will halt the project about two months due to publication requirements.

Commissioner Nick Badwey stated that it had been platted R-1.

Mr. Rickard stated that the covenants only allow for R-1.

Commissioner Bill Young stated that to go through the process moves this project back several months. He stated that he didn't feel it should halt the project, and it could be done at a later date.

Mr. Rickard asked if they wanted to change the zoning on the other areas up north that are zoned R-3.

Mayor Fagg stated he was concerned that if the lots do not sell, developers will try and build multi-family housing.

City Manager Llewellyn asked what his concern with R-3 was.

Mayor Fagg stated that people who live in the area might not want multi-family housing next to them. He was concerned about putting this much money in to an R-3 development.

Commissioner Young stated that it was platted R-1.

Commissioner David Chapin called the question.

Motion carried 4 – 1 (Mayor Fagg opposed).

RECEIVE THE PETITION ON PROJECT NO. 437 – SEWER ON CRISS 9TH

Mr. Rickard stated that the cost of the sanitary sewer for this development is estimated at \$210,159.95 which will be paid 100% by the developer.

Commissioner David Chapin asked if there was a different charge for R-3.

City Manager Herb Llewellyn stated that the line size would be different for multi-family housing and this is designated as single family housing.

Commissioner Chapin stated they would have to redo the project if they wanted multi-family housing.

Commissioner Nick Badwey moved that Resolution No. 2735, a resolution determining the advisability of the making of certain internal improvements in the City of El Dorado, Kansas; making certain findings with respect thereto; and authorizing and providing for the making of the improvements in accordance with such findings (Sanitary Sewer Extension Improvements/Project No. 437).

Commissioner David Chapin seconded the motion.

Motion carried 4 – 1 (Mayor Fagg opposed).

Mr. Farmer stated that he would like to commend the City Commission and Staff on staying firm on selling the City of Wichita treated water.

NEW BUSINESS

Commissioner Nick Badwey stated he was happy that the wind turbine was turning again. He congratulated staff on getting it repaired.

Commissioner Bill Young agreed. He stated that he was disappointed in the time that it has spent not turning. He asked for an update on the wind turbine.

City Manager Herb Llewellyn stated that part of the discussion was about the size of the turbine and what Westar would approve. GBA recommended this turbine and stated that it had been around a long time and would work well. He stated that this has not been our experience.

City Manager Llewellyn stated that staff are working to make the city whole which involves either getting a new turbine or a refund on our costs.

Commissioner Young stated that he believes that many of the citizens have less and less faith that this will work. He stated it is unacceptable to be out a million dollars for something that is only working half of the time.

Kurt Bookout, Director of Public Utilities, stated that the City Manager was showing the Commission a picture of the piece that failed this time. He stated that this problem began back in February.

Mr. Bookout stated that the agreement with Westar stated that we had to go with a one megawatt or smaller. He stated that the smaller turbines are less industrial.

Mr. Bookout stated that the cone bushings had never failed in a Nordic turbine before this according to the company. He stated that the company originally wanted to charge the City half a million to take the turbine apart to repair on the ground. Staff discussed it with our repair company

and they have spent the last three months finding a way to repair it in the air which is a less expensive method of repair.

Commissioner Young stated that he appreciated spending less money on the repairs; he was primarily concerned with the fact that it had to be repaired again.

Commissioner Chase Locke asked if there was a certain wind speed when it will not spin.

Mr. Bookout stated it will begin at about 12 mph and stop at about 57 mph.

Commissioner Locke stated that this information would help perception in the community and reiterated it should not turn during the really windy days so that it does not break again.

Mayor Fagg asked what the cost of the last break was.

Mr. Bookout stated that the repairmen just left today, so we have not received a final bill.

Mayor Fagg asked if the company that the turbine was purchased from is bankrupt.

City Manager Llewellyn clarified that the manufacturer went bankrupt, but our contract is through GBA.

Mayor Fagg asked if the refund would be coming from the other company.

City Manager Llewellyn confirmed he was correct.

Mayor Fagg asked if we are committed to pay some of the grant money back if we cannot keep the turbine going.

Mr. Bookout stated he would have to look that up.

Commissioner Young confirmed that the two items approved for paving tonight had city-at-large costs and the sewer items did not have any city-at-large costs.

City Manager Llewellyn confirmed he was correct.

Mayor Fagg asked if City Attorney Murfin was working on the American Legion issue.

City Manager Llewellyn stated he would confirm it was being done.

Mayor Fagg asked if the City Manager had received his e-mail.

City Manager Llewellyn stated he had, he was unsure how to answer the questions. He stated that his only communication with the City of Wichita has been based on instruction from the City Commission. He also stated that an offer has never been made to the City of Wichita. The only written communication was from the City Commission to the City of Wichita.

Mayor Fagg stated he saw it in the Wichita paper.

City Manager Llewellyn stated they were not quoting him, and he has not made any commitments.

CITY MANAGER'S REPORT

City Manager Herb Llewellyn stated that staff would be moving forward with the piece of Towanda Avenue that had been approved because the petition time has passed.

City Manager Llewellyn stated that the rest of Towanda Avenue could be discussed anytime.

Commissioner David Chapin asked if they could be presented with the rest of the numbers at the next meeting.

Scott Rickard, Assistant City Engineer, stated that he is meeting with the Township Chair and the Pavement company to discuss more options tomorrow.

City Manager Llewellyn stated that the original proposal from the Township will not cover the staff recommendation because staff believe that some repair is necessary.

Commissioner Chapin asked if staff will also discuss the West side of Haverhill.

Mr. Rickard stated that they would bring that as well.

Mayor Michael Fagg asked if staff could include a six inch overlay as well.

City Manager Llewellyn stated that the Supreme Court upheld the City's ability to begin meetings with prayer today as long as they do not advocate.

City Manager Llewellyn stated that the area had not received as much rain this year and the lake is approximately a foot low. A request has been made to the Corp to curtail releasing water from the lake to ensure that it remains full.

ADJOURNMENT

Commissioner David Chapin moved to adjourn the meeting at 9:45 p.m.

Commissioner Bill Young seconded the motion.

Motion carried 5 – 0.

City Clerk Tabitha D. Sharp

Mayor Michael A. Fagg

The El Dorado City Commission met in special session on May 4, 2014 at 4:00 pm in the Commission Room with the following present: Mayor Michael Fagg (arrived at 4:10 p.m.), Commissioner Chase Locke, Commissioner Nick Badwey, Commissioner David Chapin, Finance Director Tammy Schaffer, Assistant City Engineer Scott Rickard, and City Clerk Tabitha Sharp. Absent: Commissioner Bill Young, City Manager Herb Llewellyn, and City Attorney Jim Murfin

VISITORS

John Stewart	2845 Western	El Dorado, KS
Jeffrey Murphy	320 Northern	El Dorado, KS
Keith West	1820 W 3 rd	El Dorado, KS
Kristi Jacobs	1275 S Topeka	El Dorado, KS
Vicky Bell	823 E 12 th	El Dorado, KS
Wes Barnett	1310 S Emporia	El Dorado, KS
Linda Jolly	El Dorado Inc.	El Dorado, KS
Jen Cook	1340 Glenview Dr	El Dorado, KS
Susie Carson	201 W Central	El Dorado, KS
Suzie Locke	220 E 1 st	El Dorado, KS
Holly Ross	Main Street	El Dorado, KS

CALL TO ORDER

Vice Mayor David Chapin called the May 14, 2014 Special City Commission meeting to order at 4:00 p.m.

OUTSIDE AGENCY BUDGET PRESENTATIONS

Representatives from El Dorado Inc., the Municipal Band, the El Dorado Broncos, El Dorado Crime Stoppers, Bradford Memorial Library and Main Street were present to discuss 2015 budget requests.

ADJOURNMENT

Commissioner David Chapin moved to adjourn the meeting at 4:55 p.m.

Commissioner Chase Locke seconded the motion.

Motion carried 4 – 0.

City Clerk Tabitha D. Sharp

Mayor Michael A. Fagg

EL DORADO CITY COMMISSION MEETING

May 19, 2014

The El Dorado City Commission met in regular session on May 19, 2014 at 7:00 pm in the Commission Room with the following present: Mayor Michael Fagg, Commissioner Bill Young, Commissioner Nick Badwey, Commissioner David Chapin, City Manager Herb Llewellyn, City Attorney Jim Murfin, Assistant City Engineer Scott Rickard, and City Clerk Tabitha Sharp. Absent: Commissioner Chase Locke.

VISITORS

Natalie Donges	2873 SE HWY 54	El Dorado, KS
Bob Heinrich	1801 W Central	El Dorado, KS
James Cook	719 Fredrick Dr	El Dorado, KS
Larry & Theo Winzer	911 S Arthur	El Dorado, KS
Shawn Luehrs	1859 Lawndale Ave	El Dorado, KS
Hannah Brock	916 W Pine	El Dorado, KS
Hannah Haury	1401 Country Club Rd	El Dorado, KS
Jim Gardner	930 Fairway Ct	El Dorado, KS
Isaac Haahr	1615 Troon North	El Dorado, KS
Harley Thornton	1035 N Cherokee	El Dorado, KS
Cherokee Reagan	1902 Lakeland Dr	El Dorado, KS
Josh Wolf	1019 Skyview	El Dorado, KS
Belle Rausch	553 SE Poor Farm Rd	El Dorado, KS
Brooke Ryan	5734 SW Haverhill	El Dorado, KS
Heather Riddle	921 Denver	El Dorado, KS
Troie Hackler	1130 S High	El Dorado, KS

CALL TO ORDER

Mayor Michael Fagg called the May 19, 2014, City Commission meeting to order.

INVOCATION

Commissioner Bill Young opened the meeting with an invocation.

PLEDGE OF ALLEGIANCE

The El Dorado Youth Commission led the pledge of allegiance.

PERSONAL APPEARANCE

Heather Riddle, Chair of the El Dorado Youth Commission, reviewed the activities of the Youth Commission over the last year.

PUBLIC COMMENTS

Natalie Donges, 2873 SE HWY 254, invited citizens to participate in the art festival in June.

Bob Hendricks, American Legion, asked if they needed a special permit for an event they were planning. He also asked if the Commission would consider tearing down an older building on the Legion property. He requested sealing and striping their parking lot and asked about the status of the refund on the parking lot.

Scott Rickard, Assistant City Engineer, stated that only a loud speaker permit would be required if they were to have amplified sound.

Commissioner Bill Young thanked Mr. Hendricks for bringing the event to town. He asked staff about the building.

City Manager Herb Llewellyn stated that the City operated it as a driving range until the one at Prairie Trails was opened. He stated it is now closed and he does not wish to tear it down as it is a good building and could be used in the future.

Mr. Hendricks stated that the building is a nuisance at this time because of vandalism.

City Manager Llewellyn stated that if he would call, staff would be happy to go down and clean it up.

Commissioner Young asked if he could see a plan for the property before they tear it down.

Mr. Hendricks stated he could bring it to a Commission meeting.

Commissioner Nick Badwey asked if Mr. Hendricks' primary concern was security.

Mr. Hendricks stated it was.

City Manager Llewellyn stated that unfortunately vandalism is a problem everywhere; we would put a door up to try and prevent it and someone would get with Mr. Hendricks on the other items.

CONSENT AGENDA

Approval of the City Commission minutes for May 5, 2014 and the Special Commission minutes for May 16, 2014.

Commissioner Bill Young stated he was concerned there was an error on the minutes regarding the vote on the sanitary sewer items. He stated that there isn't a cost to the City, and he didn't think that the Mayor voted against it because of that.

Mayor Michael Fagg stated he voted against it because he would like to see phase one completed first.

Commissioner Nick Badwey moved to approve the consent agenda as presented.

Commissioner David Chapin seconded the motion.

Motion carried 4 – 0.

SPECIAL USE PERMIT TO ALLOW AN EIGHT FOOT TALL FENCE ALONG THE REAR PROPERTY LINE LOCATED AT 1130 S HIGH (CASE NO. 14-004-SUP)

Scott Rickard, Assistant City Engineer, stated that the property owner at 1130 S High has petitioned the City to build an eight foot tall fence for more privacy because the lot slopes at the east side of the lot. He stated that the petition was approved by the Planning Commission 6 – 0 with the condition that on the upper slope of the lot, the fence be reduced from eight feet to six feet.

Commissioner Bill Young moved that the recommendation of the Planning Commission to approve Case No. 14-004-SUP requesting a Special Use Permit to allow an 8 foot tall fence as shown on the site plan with a 20 foot transition along the south property line at 1130 S High be accepted and that Ordinance No. G-1174 be approved.

Commissioner David Chapin seconded the motion.

ROLL CALL VOTE

Position No. 1	Commissioner Chase Locke	Absent
Position No. 2	Commissioner Bill Young	Yes

Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner David Chapin	Yes
	Mayor Michael Fagg	Yes

2015-2020 CIP – PUBLIC HEARING

Mayor Michael Fagg opened the public hearing.

There were no comments.

Mayor Fagg asked if the plan had been publicized.

Scott Rickard, Assistant City Engineer, stated that the public hearing had been published in the paper for the Planning Commission.

City Manager Llewellyn stated that the public hearing with the City Manager had been published in the paper, and it had been discussed at a work session which was published as well. He stated that no one had come to either session.

Mayor Fagg asked if Douglas Road should be on the plan.

City Manager Llewellyn stated that the citizens voted against the improvement and the City Commission had previously chosen not to fix it.

Mayor Fagg stated that over the years people may have moved and the vote could have changed. He stated it was important because it is a collector street.

City Manager Llewellyn asked Mr. Rickard to confirm that it is a collector.

Mr. Rickard stated that it was according to the traffic study.

Mayor Fagg asked about 9th Avenue.

Mr. Rickard stated it was on the plan for 2016.

Mayor Fagg stated it is just a plan, it doesn't have to happen.

City Manager Llewellyn stated that he was correct, the only reason it is not included is because it was voted against in the past.

Mr. Rickard stated that they tried to follow the Resolutions of the past. He stated that it has to be brought up by the City Commission in order to be done without the approval of the residents.

Mayor Fagg asked if the Commission was ok with adding it to the CIP.

City Manager Llewellyn stated that it would come to the Commission just like any street without a petition.

Commissioner Nick Badwey stated he was ok with putting it on the plan.

The other Commissioners were also ok with the addition.

Mayor Fagg closed the public hearing.

Commissioner David Chapin moved to approve the 2015 – 2020 Capital Improvement Plan with the addition of Douglas street.

Commissioner Bill Young seconded the motion.

City Manager Llewellyn asked what year they would like to see it on the plan.

Mayor Fagg stated 2017.

Motion carried 4 – 0.

CITY COMMISSION QUORUM ORDINANCE

City Manager Herb Llewellyn stated that the laws of the State of Kansas stated that a majority of a quorum of a board cannot be in the same place or it is considered a meeting. He stated that the City of El Dorado changes the Quorum to four so that two people can have a discussion about City business without declaring a meeting.

Commissioner Bill Young moved that Ordinance No. G-1175, an ordinance adding quorum provisions to Title II, Chapter 2.04 of the City of El Dorado Municipal Code, be approved.

Commissioner Nick Badwey seconded the motion.

Mayor Fagg stated that he was on the Commission when they first changed the rule and it has made it easier to do work without going through the City Manager for each discussion. He asked if it could be changed permanently.

City Clerk Tabitha Sharp stated that it requires repealing the existing Ordinance which was put in place to allow the Commission to review it each year and make the change if they deemed it necessary.

Commissioner Bill Young stated he felt that it should be reviewed each year so that new Commissioners can have the opportunity to understand the open meetings concept.

Commissioner Nick Badwey stated he was uncomfortable repealing something when they are not all present.

Commissioner David Chapin stated that he felt it was good to have the reminder each year on this Ordinance and to have the discussion that results from it.

ROLL CALL VOTE

Position No. 2	Commissioner Bill Young	Yes
Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner David Chapin	Yes
	Mayor Michael Fagg	Yes
Position No. 1	Commissioner Chase Locke	Absent

KDOT AGREEMENT NO. 277-14 GEOMETRIC IMPROVEMENT

Scott Rickard, Assistant City Engineer, stated that staff are asking the Mayor to execute an agreement with KDOT in order to begin work on the portion of Central Avenue between Emporia and Denver. This change will accommodate hospital traffic by putting in a turning lane and eliminating on-street parking.

Mr. Rickard stated that the State has awarded the City \$570,000 and the City’s share is \$60,000.

Commissioner David Chapin asked if there would be curb changes.

Mr. Rickard stated that there would not be.

City Manager Herb Llewellyn asked Mr. Rickard to discuss the accidents in the area.

Mr. Rickard stated that they review accidents annually, and there have been a high number in this area.

Commissioner Chapin asked if the portion from Summit to Topeka is planned so that the turn lane goes all the way through town.

Mr. Rickard stated that staff did not see a need and the Commission had rejected it in a previous year.

City Manager Herb Llewellyn stated that the residents in the area were against it because of the removal of some older trees.

Commissioner Nick Badwey stated that accidents are not as numerous in that area.

Mr. Rickard stated he was correct.

Mayor Michael Fagg asked if the State was paying the City for engineering.

Mr. Rickard stated they pay for construction engineering.

Mayor Fagg asked if it was bid out.

Mr. Rickard stated the City goes through a selection process for the consultant and then negotiates their fee.

Commissioner Nick Badwey moved to authorize the Mayor to execute for and on behalf of the City of El Dorado, Agreement No. 277-14 between the City and the Kansas Department of Transportation.

Commissioner David Chapin seconded the motion.

Commissioner Chapin stated he would like to see a left turn at Topeka.

Commissioner Young agreed.

Motion carried 4 – 0.

SET A HEARING DATE FOR PROJECT NO. 369

Assistant City Engineer Scott Rickard stated that this is a residential sidewalk project. These residents contacted the City and requested that their sidewalk be repaired. He stated that in order to move forward with assessments, a public hearing must be held.

Commissioner David Chapin confirmed that this was not part of the mandatory sidewalk program.

Mr. Rickard stated that these individuals have requested the repairs. He stated that the costs are spread over ten years interest free. The City picks up all costs for removal. He stated that the final cost was reduced because the City crew was able to do some of the work because they were smaller projects.

Commissioner Chapin stated that it was a good program.

Commissioner Bill Young moved to set the public hearing for 7:00 p.m. on June 2, 2014 to be held for the purpose of considering the proposed assessments of the cost of Project No. 369, and further direct individual mailings to each owner liable for the special assessments.

Commissioner David Chapin seconded the motion.

Motion carried 4 – 0.

SET A HEARING DATE FOR PROJECT NO. 418

Assistant City Engineer Scott Rickard stated that this project was also a residential sidewalk project. A second project had to be created to contain all of the requests.

Commissioner David Chapin moved to set the public hearing for 7:00 p.m. on June 2, 2014 to be held for the purpose of considering the proposed assessments of the cost of Project No. 418, and further direct individual mailings to each owner liable for the special assessments.

Commissioner Nick Badwey seconded the motion.

Motion carried 4 – 0.

TOWANDA AVENUE (HAVERHILL TO CONSTANT CREEK)

Assistant City Engineer Scott Rickard stated that the protest period is over for the other section of Towanda Avenue that is being improved. He stated that staff have provided suggestions on how to improve the portion of Towanda Avenue from Haverhill to Constant Creek. He stated that the costs would be \$640,603 and if we use our standard construction methods, the improvement district would be responsible for \$356,095.

Mr. Rickard stated they looked at a hybrid of the street policy which involves some base work and site excavation. He stated that the cost for this project would be \$298,413.

Mr. Rickard stated the standard road would be 17 feet wider than the hybrid. He stated that storm sewer and curb and gutter would be included in the standard road and not the hybrid.

Mr. Rickard stated that he provided the same information for the section of Haverhill to the Butler College line.

Mr. Rickard stated that this was brought for discussion about possibly changing the road policy to allow the hybrid street.

City Manager Herb Llewellyn asked if the road had been cored.

Mr. Rickard stated that they have not cored it yet, they used a pick and found it was hot mix and about three inches of chip seal.

Mr. Rickard stated that in the past there has been an estimate of \$100,000 for a six inch overlay, he felt that if the stabilization is not done, the road will have the same problems as now.

City Manager Llewellyn stated that if they just do an overlay, the milling would help prevent having a drop off.

Mr. Rickard stated that the milling will prevent base failures. He stated that he felt strongly about doing the project correctly so that there are no failures in the immediate future.

Commissioner David Chapin asked why the chip and seal lasted 45 years and staff are saying that a four inch overlay will only last eight years.

Mr. Rickard stated that it would be putting a band-aid on it, and if the City plans to put the money into it, they should do it right.

Commissioner Chapin asked if there was an improvement district.

Mr. Rickard stated that it would be all improvement district costs because of the way the policy reads.

Commissioner Chapin confirmed that he was talking about the hybrid road.

Mr. Rickard stated that he was correct.

City Manager Llewellyn stated that they could create an improvement district in order to pay for the project. He stated that the question is about the current policy and whether or not the Commission would like to change that policy. He stated by doing it the way the current policy reads, it will not be an improved street and staff will not do maintenance. He stated by doing the hybrid street, staff would do it like an improved street and the adjacent property owners would not pick up the tab.

Mr. Rickard stated that the policy is written that any abutting property owners would be liable for the repairs. He stated that the El Dorado Township has agreed to contribute up to \$56,000.

Commissioner Chapin stated that they would have to tax those people who are being taxed for the first portion.

Mr. Rickard stated that this is all off policy so it could be done anyway that the Commission liked.

Commissioner Chapin stated that the idea was to give residents a smoother road to drive on understanding that it would not last forever. He stated he would like the cheapest possible best new road. He stated he felt there were two options, one for \$130,000 with a four inch overlay or another for \$300,000 the road with the rock sides and base. He stated that they could build the cheaper one that would last ten years.

Commissioner Young asked if it would last ten years.

Mr. Rickard stated that it could. He stated that the rock excavation doesn't have to happen and there are other costs that are contingency items. He stated that those costs could be assessed to the cheaper street as well.

Commissioner Young stated that with the cheaper road, they would have to come back to the tax payers sooner than later and ask for more money to repair it again. He stated he did not know that the solution was to put a patch on it so that another Commission in ten years would have to spend more money when costs go up to do the project again.

Commissioner Young state that he could not support spreading \$300,000 - \$600.000 on the few property owners in the area when everyone uses it.

Mayor Fagg reiterated that half of the road was owned by the City and half by the Township.

Dana Mc Coy, El Dorado Township, stated something needed to happen because it is an accident waiting to happen. He stated that a year ago it was \$114,000, and when they looked at it the other day, the contractor gave a rate which included the base and everything.

Mr. McCoy stated he thought if anything, they should do a six inch overlay. He stated that at the County where he is employed, they do smaller overlays on roads with higher traffic. He stated that anything they do will be 100% improvement over what is there.

Mayor Fagg confirmed that if the road was in the County they would do a six inch overlay.

Mr. McCoy stated it would probably be a four inch overlay.

Commissioner Young confirmed that the roads he was talking about already had a good base.

Mr. McCoy stated that he didn't think it was necessary, the biggest issue is to get drainage away from the road to keep it good.

Mayor Fagg asked if the original quote was a six inch overlay.

Mr. McCoy stated it was a six inch overlay with a rock shoulder.

Mr. Rickard stated that the costs went up over the last year.

Commissioner Chapin asked if the City would put the rock shoulder on.

Mr. Rickard stated it would be a contractor.

City Manager Llewellyn asked if they could use millings.

Mr. Rickard stated that they needed more than millings or it would wash down the ditch.

City Manager Llewellyn asked what they would do with the ditches.

Mr. Rickard stated that they would do nothing.

Mr. McCoy stated they would try and redo the shoulder to fix drainage if it were the County.

Mr. Rickard stated that it is a difference of opinion between the County and the City. He stated that his costs include the taper from the portion within the City limits to the portion that is split between the County and City. He stated his costs include traffic control, erosion control, seeding and mobilization. He stated there are many costs outside the asphalt.

Mayor Fagg asked if they did them both at the same time if the costs would be less.

Mr. Rickard stated that he was correct.

Mayor Fagg stated that he did not want the City to spend the money since half of it was not in the City limits.

Mr. McCoy stated that the price of asphalt went up \$30 per ton since last year.

Mr. Rickard stated that it is \$30,000 today, but will save us money in the future when the prices are higher.

Mayor Fagg asked if they could just spend the \$114,000 and the \$30,000.

Mr. Rickard stated that it did not include the rest of the project. He stated that they had to include the rest of the costs associated with the six inch overlay. He stated that he asks for it to be broken down so they can see everything that is being paid for.

Mr. Rickard stated that the number of cars is quite large on that road.

Mr. McCoy stated the number of cars would increase if it was done.

Commissioner Badwey asked what the real number was for the overlay.

Mr. Rickard stated that it was about \$193,000; \$140,000 for asphalt, \$8,000 for shoulder, \$5,000 for traffic control, \$5,000 for erosion control, \$11,000 for financing costs and \$22,000 for contingency costs.

Commissioner Young confirmed that it was the hybrid.

Mr. Rickard stated it was, he left out the costs for the transition from the City road to the County road.

Mayor Fagg asked if we didn't do storm sewer and pavement what it would cost.

Mr. Rickard stated that was without those. He stated staff are looking to the Commission for direction on the change in policy.

City Manager Llewellyn stated he believed it would have to be done without an improvement district.

Mr. Rickard stated they could divert assessments and place a fee for access to the road at the time of development.

Mayor Fagg stated he felt they should take the El Dorado Township up on their offer and do it as cheap as we can.

Mr. Rickard stated that he took into consideration that the residents to the East are already being assessed with the other project.

Commissioner Chapin stated this was being looked at as a patch.

Mr. Rickard stated that the Commission's policy says they will not do repair and maintenance to the road if it is a patch.

Commissioner Chapin stated that he didn't want to look at it that way.

Commissioner Badwey stated he felt that staff are saying that we need a policy change.

Commissioner Chapin stated that this road doesn't follow any policy. He stated it is a unique situation.

City Manager Llewellyn stated that he thought they should discuss this project in a singular manner.

Mr. McCoy stated that the Township is willing to give the \$56,000 to help fix the problem.

Commissioner Young stated he appreciated the help of the Township.

Commissioner Young stated that he felt if we change this policy, it creates a slippery slope that requires us to make adjustments to the policy for future streets. He stated that it would cause the City not to be focused on fixing streets to City standards. He stated the primary concerns are the condition of the road and the safety of the students walking to the college. He stated that if the hybrid is put in, it will only improve the drivability of the road and do nothing to help the students walking to school.

Commissioner Chapin stated that the answer was simple, if we follow policy it remains the same.

Commissioner Badwey asked if anyone has talked to the people in the benefit district.

Commissioner Chapin stated that Mr. Kropf has talked to the Commission.

Commissioner Badwey stated he was referring to the people within the City limits. He asked if anyone knew what those assessments would be with the hybrid.

Mr. Rickard stated that it would be a three year payment and spread the \$300,000 over those properties.

Commissioner Young stated that as soon as they change the policy for Towanda we will be required to change the policy for others.

Commissioner Chapin stated he was only trying to create a patch for this road and the policy could be changed for the others. He stated he would like to use sales tax money for a sidewalk on the North side of the road. He stated the cheapest way to do it was treat it like a County road.

Commissioner Chapin stated that if they do it the way he is suggesting, they could go ten years without severe problems.

Mayor Fagg asked what Commissioner Chapin was suggesting.

Commissioner Chapin stated he was suggesting following what the Township was suggesting.

Mayor Fagg stated he agreed.

Commissioner Chapin stated he felt it was a perfect use for sales tax money.

Mayor Fagg asked if the County told us they would not help.

City Manager Llewellyn stated that they had not.

Mr. Rickard stated that he thought while they were talking about looking at the costs to the owners, he stated that statute allows us to divert assessments. He stated that by doing that there is no assessment up front, but if they decide to develop then there would be something in the future to assist with payment of the project.

Commissioner Badwey asked if he could provide those figures.

City Manager Llewellyn confirmed that it would look like a normal street and they would have to come to us to allow access.

Mr. Rickard stated yes, in order to divert the specials.

City Manager Llewellyn asked if the Commission anticipates having the City at large pay the portion not covered by the Township.

Commissioner Chapin stated that he was correct.

Mr. Rickard stated that the project is more than what they originally paid for.

City Manager Llewellyn stated that the City at Large will pay more than normal to make this project work.

Mayor Fagg stated he didn't think the City at Large should pay the whole thing, maybe only half.

Mr. Rickard stated that the owners to the north are the Villas, Adelsberger, Waite and AT&T.

Commissioner Young confirmed that if we were to spread assessments it would go to those four owners.

Mr. Rickard stated that he was correct, and only Mr. Adelsberger and Mr. Waite would get to vote.

Commissioner Chapin asked how long it would take to get put together.

City Manager Llewellyn stated it would be done in July. He stated that they would talk to the property owners and that they could have the legal work done possibly by the first of June.

Commissioner Young confirmed that they would be waiting on the City's side to spread assessments until they develop the road. He stated that Mr. Kropf could do what he wanted on the Township side with no assessment.

Mayor Fagg stated that the Township was paying for his half.

City Manager Llewellyn clarified that the portion paid by the Township was not half.

Mayor Fagg asked if we could talk to the County.

Mr. Rickard stated that they could. He stated that instead of the cheapest, it would be the least expensive that would last the longest.

Commissioner Young and Mayor Fagg agreed that it was an investment in a major street.

City Manager Llewellyn stated he would bring the information back in two weeks.

NEW BUSINESS

Commissioner David Chapin asked if trucks are driving on the curbs and depressing the land on the other side, whose responsibility is it.

Assistant City Engineer Scott Rickard stated that staff have been asked to fill in these spots.

Commissioner Chapin stated that at Wal-Mart on the west side, there is a place that has been torn up by semis not making the corner.

City Manager Herb Llewellyn stated that they could put a load of dirt in it.

Mayor Fagg asked if we could put a rock there.

City Manager Llewellyn stated that they could not because of highway regulations in that area. He stated a bell ballard could be put in because a driver will slide off of it.

Mr. Rickard stated that there was not supposed to be truck traffic there.

Commissioner Chapin asked whose responsibility it is.

City Manager Llewellyn stated that it is really the bank's responsibility.

Commissioner Young stated that in the past we have done it for others.

Mr. Rickard stated that there is a sign there on the highway before the bank.

Mayor Fagg asked if the City Manager could call Community National and discuss it with them.

City Manager Llewellyn stated he could.

Commissioner Chapin stated that the trash along the fence from CNB to Boyer is bad. He asked if community service was a possible solution to the problem.

Commissioner Young stated that the City Court now has a part time probation officer. He stated that there are also some youth organizations that are looking for opportunities.

Mayor Fagg suggested that the City Manager call Wal-Mart as well to see if they have suggestions.

Commissioner Nick Badwey asked for a report on the last County water meeting.

City Manager Llewellyn stated that he and Kurt Bookout went. He stated that staff from the Kansas Water Office were present for the meeting to present something about the water in Kansas.

City Manager Llewellyn stated that the program did not happen. He stated that the crux of the situation was that Commissioner Palmer wanted people to understand that the lake was the "people's" water. He stated that Tracy Streeter from the KWO and Kurt Bookout stated that it was the people of El Dorado's.

Kurt Bookout, Public Utilities Director, stated that she was quoting a doctrine and wanted to ensure that all communities in Butler County had water.

City Manager Llewellyn stated that she was questioned about the purpose of the committee. Commissioner Palmer told the committee she did not want the City to sell water to Wichita so that the water was conserved for Butler County.

Mr. Bookout stated that he confirmed to her that the City already serves 90% of the County and the position of the City Commission was to serve the citizens of El Dorado first and then the County and then others. He explained that they had done modeling that showed that the water was available for our customers.

Mr. Bookout stated that Mr. Streeter confirmed that the County would have to go to the City of El Dorado and talk to them about the water because the City is the one that has signed the agreement with the United States.

Commissioner Badwey asked what the consensus of the rest of the committee was.

Mr. Bookout stated that the rest of the committee was unconcerned. He stated that Andover was already purchasing their water from Wichita.

Mr. Bookout stated that he pointed out that they have never refused anyone water. Anyone who has come to us has been sold the water.

City Manager Llewellyn stated that they also told Commissioner Palmer that the City was willing to sell the water to them if they wanted it.

Commissioner Young stated he had real concerns about this committee. He stated that he felt that it is clear that Commissioner Palmer does not understand that the citizens of El Dorado are responsible for the debt and therefore own the water. He stated that he felt that there was no benefit in the City participating in this committee and that Commissioner Palmer's objective was to get the water in the lake without any consideration of the City and the citizens who pay for it.

Mayor Fagg stated that he disagreed because he believed in being a good neighbor. He felt that not everyone on the committee agreed with her and by being in the room

Commissioner Young stated that he did not feel the meetings warrant a representation from the City of El Dorado because it is clear that the purpose of the meetings is to find a way to take the water from the City of El Dorado and distribute it to people in the County.

Mr. Bookout stated that he felt that after he clarified that our priority is to take care of El Dorado and Butler County first, he felt that most of the people agreed.

Mayor Fagg stated he felt it was important to be there so that they understand the facts.

Mr. Bookout stated it was important that day to make sure that everyone understands. He stated he felt like everyone understood what the situation was.

City Manager Llewellyn stated that Commissioner Palmer has already heard the story and still does not understand. He stated he felt the purpose of the meeting is to give the people of Butler County the water.

Mayor Fagg stated that was not the way he read it. He felt they were looking at the holistic situation of water. He felt we shouldn't run away, but stay and answer questions.

Commissioner Young stated that it was easy to say that, but it is their job to be good stewards to the citizens of El Dorado. He asked what the point of going to a meeting where the person running the meeting does not respect that the City owns the water.

Mayor Fagg reiterated that it was a County Committee, not just one person.

Commissioner Young reiterated that his recommendation was that we are not involved in the committee.

Mayor Fagg stated that he disagreed.

Commissioner Badwey stated that it has served the purpose. He stated that we have explained our water policy.

Commissioner Badwey stated he was not in favor of participating prior to now and thinks it has served its purpose and does not think we should be involved.

Mayor Fagg asked if anyone had discussed it with Herb.

Commissioner Young stated he had.

Mayor Fagg asked if anyone had read the minutes.

City Manager Llewellyn stated that if he did not believe what he had said, he could go listen to the meeting.

Mayor Fagg stated he did not understand why everyone was worked up. He stated that they will understand it eventually.

Commissioner Young stated that the people who understand it already do. He stated that he was more concerned with the citizens of El Dorado and not with those in the County. He stated that there was no benefit to the citizens in participating in this committee that is simply going back and forth about who owns the water.

City Attorney Jim Murfin stated that per the Commission's request, he made contact with the County Counselor and made the request the paragraph five be deleted and the number on the committee be increased. He stated that he has not yet heard what the perspective of the County will be. He stated that until the fifth paragraph is deleted, he did not recommend the City of El Dorado become signatories on the agreement.

Commissioner David Chapin also stated that he did not see any reason to participate because we allow anyone in the County to buy water from us.

Mayor Fagg asked if we were going to send a letter to the County.

Commissioner Badwey stated the agreement hasn't been signed.

Commissioner Chapin asked what the goal was.

City Manager Llewellyn stated that the stated goal was that the people have access to the people's water.

Commissioner Young asked if there was consensus that they move forward with not participating in the committee.

Commissioner Badwey and Commissioner Chapin agreed.

Commissioner Young asked if a letter is needed.

Mayor Fagg stated that they did need a letter.

Commissioner Badwey stated that they did and they need to reference the statements made by the committee chairperson.

Commissioner Chapin stated that the City does not understand the purpose of the committee. He stated if they are going to argue about who owns the water, there is no purpose.

Commissioner Young stated that June 1st is the Bradford Memorial Library open house. He encouraged citizens to participate.

Commissioner Young congratulated local seniors who graduated over the last weekend.

Commissioner Young thanked Jim Gardner for what he does with the Youth Commission.

Mayor Fagg stated there was a consensus on that.

Mayor Fagg stated it was the time of year where grass is growing. He thanked those taking care of their yards and helping others. He asked if they get a letter when their grass is long because of a complaint.

City Manager Llewellyn stated that it is driven by calls and by the Code Enforcement officer driving around.

Mayor Fagg asked if they have the right to know who complained.

City Manager Llewellyn stated that no, the City is the complainant because we go look after each complaint.

Mayor Fagg asked if that was open record.

City Manager Llewellyn stated he felt that would build ill will to allow people to know who had complained.

City Attorney Jim Murfin stated that some complaints are made anonymously and in other cases a Freedom of Information document could be filed to see if it can be released.

Commissioner Young confirmed that typically the only information collected is on the property, not the person complaining.

City Attorney Murfin stated that the difference here is that the City corroborates that there is a problem before an action is taken.

Mayor Fagg asked if we have a large enough mowing crew to handle this.

City Manager Llewellyn stated that there is 14 days and then another week or two before it goes to court and then we can mow. The first time there is a legal process, the second, we just go mow.

Mayor Fagg asked if we have ever bid it out.

City Manager Llewellyn stated that he couldn't remember the reason, but they had been unable to get someone to take the contract.

Mayor Fagg asked if the portion of the Township property on Towanda would be paid by the city at large.

Mr. Rickard stated that it would be spread against the whole improvement district and the extra width would be paid by the city-at-large.

Mayor Fagg stated he felt the city-at-large should pay it.

Mr. Rickard stated that it would be more appropriate to discuss it when the rest of the assessments are spread.

Mayor Fagg asked about an e-mail he sent regarding storm retention in Mitchell Manor.

City Manager Llewellyn stated he thought it was sent to Brad, he would check on it.

CITY MANAGER'S REPORT

City Manager Herb Llewellyn stated he did not need an executive session because he had not received the information necessary.

Mayor Fagg asked about his thoughts about the article in the paper about selling water to Wichita.

City Manager Llewellyn stated that the article in the paper did not compare apples to apples, and so it was misleading.

Commissioner Chapin asked about the wind turbine.

Mr. Bookout stated that it had been repaired and was working at a higher level than originally anticipated. He stated there was a piece that needed to be changed out due to a lightning strike last week, and that would be done within the next week.

ADJOURNMENT

Commissioner Nick Badwey moved to adjourn the meeting at 9:57 p.m.

Commissioner Bill Young seconded the motion.

Motion carried 4 - 0.

City Clerk Tabitha Sharp

Mayor Michael A. Fagg

The El Dorado City Commission met in special session on May 28, 2014 at 4:00 pm in the Commission Room with the following present: Vice Mayor David Chapin, Commissioner Chase Locke, Commissioner Nick Badwey, City Manager Herb Llewellyn, Finance Director Tammy Schaffer, Assistant City Engineer Scott Rickard, and City Clerk Tabitha Sharp. Absent: Mayor Michael Fagg and City Attorney Jim Murfin

VISITORS

Curt Ziemann	128 N Vine	El Dorado, KS
Steve Moody	220 E 1 st	El Dorado, KS
Kevin Wishart	220 E 1 st	El Dorado, KS
Brad Meyer	222 E 2 nd	El Dorado, KS
Suzie Locke	220 E 1 st	El Dorado, KS
Jen Cook	220 E 1 st	El Dorado, KS
Kurt Bookout	220 E 1 st	El Dorado, KS
Jason Hughey	220 E 1 st	El Dorado, KS
Wes Barnett	220 E 1 st	El Dorado, KS

CALL TO ORDER

Vice Mayor David Chapin called the May 28, 2014 Special City Commission meeting to order at 4:00 p.m.

ADVISORY BOARD APPOINTMENTS

The City Commission discussed applications received for the Tree Board and the Planning and Zoning Commission.

BUDGET PRESENTATIONS

Department Heads were present to discuss their 2015 Budgets.

ADJOURNMENT

Commissioner Bill Young moved to adjourn the meeting at 5:38 p.m.

Commissioner Chase Locke seconded the motion.

Motion carried 4 – 0.

City Clerk Tabitha D. Sharp

Mayor Michael A. Fagg

EL DORADO CITY COMMISSION MEETING

June 2, 2014

The El Dorado City Commission met in a regular session on June 2, 2014 at 7:00 pm in the Commission Room with the following present: Mayor Michael Fagg, Commissioner Chase Locke, Commissioner Bill Young, Commissioner Nick Badwey, Commissioner David Chapin, City Manager Herb Llewellyn, Assistant City Engineer Scott Rickard, and City Clerk Tabitha Sharp. Absent: City Attorney Jim Murfin.

VISITORS

Julie Clements	Times Gazette	El Dorado, KS
Ryan & Leahya Mitchell	26 West Ct	El Dorado, KS
James Cook	719 Fredrick Dr	El Dorado, KS
Ladislado Hernandez	1136 S Summit	El Dorado, KS
Karen Linn	Berberich & Trahan	Topeka, KS
Dana McCoy	2180 SW 60 th	El Dorado, KS
Fred Kropf		El Dorado, KS

CALL TO ORDER

Mayor Michael A. Fagg called the June 2, 2014 meeting to order.

INVOCATION

Corey Landreth, Real Life Church, opened the meeting with an invocation.

PLEDGE OF ALLEGIANCE

The City Commission led the pledge of allegiance.

PERSONAL APPEARANCE

Karen Linn, Berberich, Trahan and Associates, presented the 2013 audit results. She stated that there was only one material finding, the amount of auditing adjustments.

Commissioner Bill Young asked what amount of adjustments had to be reached to not have a deficiency.

Ms. Linn stated that it is twenty percent of the total material findings.

Mayor Michael Fagg asked what the difference between the draft and the original was.

Ms. Linn stated that she was making the presentation earlier than last year, the audit hasn't been finalized yet.

Mayor Fagg asked why the letter from the City Manager and Finance Director was longer this year.

Ms. Linn thought that last year's letter had two sections because there was a single audit, so the letter had more sections, but was actually shorter.

Mayor Fagg asked if they would go into executive session to talk.

Ms. Linn stated she was here earlier in the year to do that, last year it was on the same night.

Mayor Fagg asked if they audit everything.

Ms. Linn stated that they do not.

Mayor Fagg asked who decided what is audited.

Ms. Linn stated the auditors base it on the concept of materiality. She stated that it comes from the auditing standards.

City Manager Herb Llewellyn stated it is independent of staff. The auditors tell staff what will be audited and staff provide them with all of the materials necessary.

Mayor Fagg asked if that was all that is required by the City.

Ms. Linn stated it was.

Mayor Fagg asked about the questions he had last year regarding budgets and the audit.

Ms. Linn stated that her firm had conversations, but could not be certain what they were about without some research.

City Manager Llewellyn stated that Ms. Linn had stated she did not talk to the City Manager about the audit, he stated that he had instructed staff to call the auditors, and they spoke to Ms. Linn's staff. He stated that the Mayor did not ask Ms. Linn if her staff had spoken to other City Staff.

Mayor Fagg stated that the City Manager was instructed to call the auditors.

City Manager Llewellyn clarified again that he had staff call the auditors and he reported that the City had contacted the auditors, he did not specify that he had called the auditor.

City Clerk Tabitha Sharp stated that she and the Finance Assistant spoke to Russell Shipley and another auditor from the firm. She stated that they asked the auditors if they look at the budget. She stated that the auditor does look at the budget, but they do not compare it to the CAFR because they are not the same report and it is not comparing apples to apples.

Mayor Fagg asked for a report from the auditors to compare those numbers.

City Manager Llewellyn stated that the Mayor has not received two additional votes on the Commission to ask the auditors to do that work.

Mayor Fagg asked how much the audit cost.

Ms. Linn stated it was approximately \$47,000.

Mayor Fagg asked how much the CAFR cost.

Ms. Sharp stated that she was unsure.

Mayor Fagg stated that it was not that much more for this letter.

Ms. Linn stated she felt that they understand why the numbers are different, and she will do what the Commission and staff requests.

Mayor Fagg stated that the other cities are close.

City Manager Llewellyn stated that the information he provided the previous year showed offages in those cities as well.

Mayor Fagg stated he would still like to see a report of the differences.

Commissioner Nick Badwey asked if they could do it themselves.

Mayor Fagg stated he would do that, but thought that the Commission would believe the auditors more.

The other Commissioners were unsure of why he needed the information.

Mayor Fagg asked if the city was doing it correctly this year.

Ms. Linn stated that they were.

Commissioner Bill Young asked if we were in compliance with the United States Government, the State of Kansas and the Government Finance Officers Association.

Ms. Linn stated we were.

Commissioner Chase Locke stated he was not willing to spend any more money.

Mayor Fagg asked if they were in compliance with the laws and regulations for adopting, approving and amending budgets.

Ms. Linn stated that to her knowledge the city was.

Mayor Fagg stated that she doesn't look at it and so she doesn't know.

City Manager Llewellyn stated that the city is.

Commissioner Young asked if the budget standards are driven by the audit standards.

Ms. Linn stated that the audit standards do not address the budget.

Mayor Fagg stated that if the rest of the Commission was comfortable with the budget, then nothing needed to be done. He stated that there were issues and they needed to be fixed. He suggested bringing the County Clerk down to discuss the budget and if it should match the CAFR.

City Manager Llewellyn stated that the County Clerk had only been in office for a year and did not have the experience that the other cities who provided us information did.

Mayor Fagg stated he would like a letter saying that the two numbers do not have to match.

Commissioner Locke stated that they did not need a letter. He stated that the rest of the Commission felt comfortable with the budget and the audit, and they could not make the Mayor trust them because he did not trust the staff.

Mayor Fagg asked if they had looked at the numbers.

Commissioner Locke stated that they had when he brought the information to them.

Mayor Fagg stated if the Commission did not want to spend the money than they would move on.

Jennifer Cook, Interim Activities, Sales and Services Manager, stated that this weekend there will be a thirty team 3 on 3 soccer tournament. She stated that the AAU tournament will be at BG Stadium. She stated First Friday will be promoting the Symphony in the Flint hills that will be next weekend. She encouraged people to attend the dinner and blue grass event at the college, the artesian festival at Gordy Park and the breakfast and church sermon at the sale barn.

Mayor Fagg asked why there is not a city-wide garage sale.

Ms. Cook stated that there are some smaller versions in the city and she could talk to the Chamber Director about it.

PUBLIC COMMENT

Mayor Michael Fagg opened the floor for public comments.

Ladislado Hernandez, 1136 S Summit, stated he received a notice on May 30th stating he had a few days to decide on giving up some of his property.

Scott Rickard, Assistant City Engineer, stated that it is for a utility easement to help with drainage.

Mr. Hernandez stated that he didn't understand why it wasn't being taken from both properties.

Mr. Rickard stated that he believed it was being taken from both sides.

Mr. Hernandez stated that it didn't look like it would help him with drainage at all.

City Manager Herb Llewellyn stated that they were putting in a pipe to help with drainage.

Mr. Hernandez asked what the diameter of the pipe was and what the drainage per minute would be.

Mr. Rickard stated that he would have to look, he did not have the information with him.

Mr. Hernandez stated that he is questioning this because his property on Oak Street was destroyed by the power utility and they stated that the City gave them permission. He is concerned that children will be endangered there.

Mr. Rickard stated he would be more than willing to discuss the matter with him and that there was no deadline.

Mr. Hernandez stated again he would like to know the size.

Mr. Rickard stated it was determined by need.

Mr. Hernandez stated that the City received a petition to curb and gutter 4th Avenue and it was stated that he did not receive a call on that issue. He never received a call about it. He asked if staff vet those petitions.

Commissioner Nick Badwey asked if they are published.

Mr. Rickard stated it is on file in the engineering office and with the County.

Ryan Mitchell, Mitchell Manor, stated he had a question regarding the stormwater retention pond in the area is in worse condition. He asked what responsibility the City has in helping them out.

Mayor Fagg stated that he forwarded the e-mail on April 23, 2014 to the City Manager.

City Manager Llewellyn stated that he went out a few years ago and discussed the issue with Mr. Mitchell's father and the City did drainage work to the North to help out. He forwarded it to staff and was unsure why it had not been done. He stated that staff would come out and help.

CONSENT AGENDA

Mayor Fagg asked if he could have the first portion of the report.

City Manager Herb Llewellyn stated it could be provided.

City Clerk Tabitha Sharp stated that there was a mistake in the minutes with the visitor list, it has been corrected.

Approval of the City Commission minutes from May 19th, 2014.

Approval of Appropriation Ordinance 05-14 in the amount of \$1,324,272.01.

Commissioner Bill Young moved to approve the consent agenda as presented.

Commissioner Chase Locke seconded the motion.

Motion carried 5 – 0.

ADVISORY BOARD NEW MEMBER APPOINTMENTS

City Manager Herb Llewellyn stated that there were two applicants, Oleta McKinney for the Tree Board and Kyle McLaren for the Planning and Zoning Commission. He stated that they were reviewed at the last Special Commission meeting.

Commissioner Bill Young stated he was glad they had found someone to fill the spot on the Planning Commission as it is difficult to find someone outside of town to fill that spot.

Commissioner Bill Young moved to approve the advisory board new member appointments as specified here within.

Commissioner David Chapin seconded the motion.

Mayor Fagg stated he was glad that Mr. McLaren was on the board, he felt he had a lot of knowledge as the previous building official.

Motion carried 5 – 0.

PUBLIC HEARING FOR PROJECT NO. 369 – RESIDENTIAL SIDEWALKS

Assistant City Engineer Scott Rickard stated that this item was to approve the residential city sidewalks.

City Manager Herb Llewellyn asked Mr. Rickard to read the properties included.

Mr. Rickard stated that they included 318 W 3rd, 912 W Central, 129 N Emporia, 1514 Edgemoor, 702 Revelle, 535 N Alleghany and 216 N Star. He stated that these property owners called the City requesting replacement.

Mayor Fagg opened the public hearing.

There were no comments

Mayor Fagg closed the public hearing.

Mayor Fagg asked if there was an amount provided for each property.

Mr. Rickard stated it was on sheet S-1.

Mayor Fagg confirmed that the proposed assessments would be from \$437 to \$713.

Mr. Rickard stated he was correct and it would be payable on Special Assessments over ten years, interest free.

Commissioner Chase Locke moved that Ordinance No. S-1329, an ordinance levying special assessments on certain property to pay the costs of internal improvements in the city of El Dorado, Kansas, as heretofore authorized by resolution no. 2699 of the city; and providing for the collection of such special assessments (project no. 369).

Commissioner David Chapin seconded the motion.

ROLL CALL VOTE

Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner David Chapin	Yes
	Mayor Michael Fagg	Yes
Position No. 1	Commissioner Chase Locke	Yes
Position No. 2	Commissioner Bill Young	Yes

PUBLIC HEARING FOR PROJECT NO. 418 – RESIDENTIAL SIDEWALKS

Mr. Rickard stated that this was the second sidewalk project. He stated that the properties included 507 N Atchison, 611 N Topeka, 327 N Atchison, 325 N Atchison and 424 W Towanda. He stated that there was also a ten year assessment with no interest on this project.

Mayor Fagg stated that the assessments ranged from \$250 to \$726.

Mayor Fagg opened the public hearing.

There were no comments.

Mayor Fagg closed the public hearing.

Commissioner Young stated this was a great program and was happy that we have it available to the citizens.

Commissioner David Chapin asked if this will always be available with the other sidewalk program.

Mr. Rickard stated that there are going to be fewer because that project is wrapping up.

Commissioner Badwey asked if there is a minimum that has to be replaced.

Mr. Rickard stated they try and group it with others so that the costs are spread out. The costs of publication are significant.

Commissioner Badwey stated that they could go ahead and request the repair.

Mr. Rickard stated he was correct.

Commissioner Nick Badwey moved that Ordinance No. S-1330, an ordinance levying special assessments on certain property to pay the costs of internal improvements in the city of El Dorado, Kansas, as heretofore authorized by resolution no. 2721 of the city; and providing for the collection of such special assessments (project no. 418).

Commissioner Bill Young seconded the motion.

ROLL CALL VOTE

Position No. 4	Commissioner David Chapin	Yes
	Mayor Michael Fagg	Yes
Position No. 1	Commissioner Chase Locke	Yes
Position No. 2	Commissioner Bill Young	Yes
Position No. 3	Commissioner Nick Badwey	Yes

SET A HEARING DATE FOR PROJECT NO. 370 – SW QUADRANT SIDEWALK REPLACEMENT

Scott Rickard, Assistant City Engineer, stated that this project is initiated by staff. He stated there are 250 properties included in this project to the West of High and South of Central. He stated that the final cost was \$144,466.20 and the improvement district's share was \$103,707.60, the city-at-large was \$40,758.60.

Mr. Rickard stated that the reason for the city-at-large costs was due to the repairs to intersections in order to accommodate the Americans with Disabilities Act.

Mayor Fagg asked what the difference in the cost was.

Mr. Rickard stated that staff assume that there is a portion that will request all of their sidewalk be replaced. He puts the cost in as a contingency.

Mayor Fagg asked if there was much of that requested.

Mr. Rickard stated there were a few. He stated that the first time this project happened; a lot of changes had to be made because of the number of requests.

Commissioner Bill Young moved to set the public hearing for 7:00 p.m. on June 16, 2014 to be held for the purpose of considering the proposed assessments of the cost of Project No. 370, and further direct individual mailings to each owner liable for the special assessments.

Commissioner Chase Locke seconded the motion.

Motion carried 5 – 0.

NEW BUSINESS

Commissioner Bill Young reminded people that Broncos baseball has started. He stated that there was a record three home runs by the first baseman with a wooden bat since 1992.

Commissioner Chase Locke stated that the people who turned in a petition on the fireworks have approached him and asked if the rest of the Commission had any thoughts.

Commissioner David Chapin stated that it is too late to discuss it this year; he would be willing to discuss it after the 4th.

Commissioner Nick Badwey stated that many groups rely on this to raise money and it is too late to restrict them.

City Manager Llewellyn stated that he thought that the Commission had addressed it and that they felt that we have been more rigorous in our enforcement and that there was no need for restriction.

Commissioner Locke stated that at 1st and Washington, it looks like there is a stormwater drainage issue.

Mr. Rickard stated it was probably some debris.

Commissioner Nick Badwey asked if there was high wind last night.

Commissioner Locke stated he thought it was brief.

Commissioner Badwey stated he noticed some trash cans lying about and his neighbor had a limb down.

Mayor Michael Fagg congratulated the Library Board and everyone participating in the kickoff for their fundraiser. He encouraged people to go down and check out the plans and to donate if they are able.

Mayor Fagg asked if a letter was sent regarding dropping out of the County water committee.

City Manager Herb Llewellyn stated that there was not.

Mayor Fagg asked why.

City Manager Llewellyn stated that the Mayor had called them and so there was no point.

Mayor Fagg stated he did call them before their meeting.

City Manager Llewellyn stated he had trouble with it because there was not an agreement for the City Commission to participate in the committee.

Mayor Fagg stated that he thought they should give them a reason and he did not see anything in the minutes from the County that caused him to want to drop out.

Commissioner David Chapin stated he didn't feel the need to rehash it.

Commissioner Locke stated he originally supported the City's participation in the committee. He stated that since then, it has become apparent that the City's best interests are not served by attending the meetings because certain people involved in the committee have intentions other than being good neighbors.

Commissioner Chapin stated that according to the minutes, Commissioner Palmer thinks the natural resources belong to the people.

Mayor Fagg stated that in the meeting, John Bailey pointed out that Commissioner Palmer was well read on the subject, he asked what she was trying to accomplish. Commissioner Palmer stated she was against selling water to Wichita and that she would like studies to be done. Dr. Bailey thought KDHE could conduct a regional water study. Commissioner Palmer stated that a study could be done to determine how much water could be sold to Wichita and there would still be enough for the Butler County residents.

Commissioner Badwey stated that he had an issue with that statement.

Commissioner Chapin agreed, he stated that the water does not belong to the residents of Butler County; it belongs to the citizens of El Dorado who are responsible for paying the debt.

Mayor Fagg stated that Commissioner Chapin stated at one point we didn't have to pay off the lake debt.

Commissioner Chapin stated that what he said was the debt was due in 2080 and they would not be around at that time. He stated that there was the possibility that the State would not make the City pay the remainder at the time.

Commissioner Young stated he felt they made the decision at the last meeting and he would like to move on.

Mayor Fagg stated he would like to see the minutes published because there were good points.

Commissioner Young stated that everything was not recorded in the minutes.

Mayor Fagg stated that not everything is included in the minutes.

Commissioner Young stated that the rest of the Commission tried to tell him that last week. He stated that the consensus of the Commission the previous meeting was to not participate in the committee.

Commissioner Chapin stated that Butler County residents are served by the City of El Dorado after the citizens of El Dorado, and others have the opportunity to purchase from the City of El Dorado if they wish.

Mayor Fagg pointed out that at the end of the committee meeting, Commissioner Palmer asked the KDHE employees for further advice. They stated that the City of El Dorado owns the water and that they are contractually obligated to pay for the water through 2080.

Commissioner Young stated that the point of that paragraph is that El Dorado is contractually obligated to pay for the water, not Butler County.

Commissioner Chapin stated he has had more people thank him for not participating in the committee than for anything else they have done on the commission.

Mayor Fagg asked who owns the Educational Facilities Authority of Butler County.

City Manager Llewellyn stated that the stadium property is owned by the EFABC.

Mayor Fagg stated that they have not received any minutes or financials. He asked who reviewed the agreement.

City Attorney Jim Murfin stated that he reviewed it.

Mayor Fagg asked who wrote it.

City Manager Llewellyn stated it was based on a copy of the Hutchinson lease that was revised by Ray Connell.

Mayor Fagg asked why the addendum date was earlier than the agreement.

Mr. Murfin stated that he believed those issues were cleaned up and they are being reviewed now and will hopefully be available in the near future for the Commission to see.

Mayor Fagg asked if the agreement had been signed.

City Manager Llewellyn stated that the agreement has not been signed.

Mayor Fagg asked about the house in the 300 Block of South Emporia.

Mr. Murfin stated he has been exchanging e-mails with the attorney for the property. He stated that the attorney stated it has taken longer in probate than originally anticipated, but it should be transferred to the City soon.

Commissioner Chapin stated he has been discussing the properties with the staff for a few years, he stated that he asks as a citizen because of his proximity to the property.

Mayor Fagg asked if anything had been worked out with the Legion.

City Manager Llewellyn stated that the last time he came, he asked for staff to look at sealing the parking lot. He stated that staff have determined that it is not policy to seal parking lots. He stated that there is no money budgeted this year; it could be done next year by staff.

Mayor Fagg stated that we should be careful what we agree to in a lease.

City Manager Llewellyn stated that they have agreed to do maintenance, not the sealing.

Mayor Fagg stated he would like the attorney to look at the lease to clarify maintenance.

City Manager Llewellyn stated it was his understanding that the agreement amongst the Commission was that they would not read a revised lease if they did not read the first one.

Mayor Fagg asked if staff have looked at the area west of the old pro shop.

City Manager Llewellyn stated he wasn't sure about it.

Mayor Fagg stated that the staff should keep up with what our ordinances require.

City Manager Llewellyn stated he is confident that staff do what they are supposed to. He stated that we are not required to mow that area like a golf course, we mow on each side of the path and a certain distance off the street.

Mayor Fagg asked about the roads in the cemeteries.

City Manager Llewellyn stated that they are fixing them.

Mayor Fagg stated that he noticed that the repair to the corner at Community National Bank did not work and asked if Wal-Mart had been involved.

City manager Llewellyn stated that he discussed it with CNB and felt it was unproductive to involve Wal-Mart.

Mayor Fagg stated that they might have some suggestions. He stated that 6th and Main is not working either, and he would still like to go to two lanes.

City Manager Llewellyn asked if the bell ballard had been ordered.

Mr. Rickard stated that they had been in a discussion with the truckers and it had not been completed yet.

City Manager Llewellyn stated he felt that they should get the State of Kansas involved.

Mayor Fagg stated that the parallel parking markings are not long enough for pick-ups and vans and asked if they would be ticketed for it.

City Manager Llewellyn stated they would not and that the lines are more guidelines for parking.

Mayor Fagg asked if we planned to pay off the first lake debt this year.

City Manager Llewellyn stated that they are not able to refinance the debt this year.

City Clerk Tabitha Sharp stated that the City did not have the cash available to pay that off because it is policy to invest that money in order to be able to pay off the debt in 2080.

Mayor Fagg asked for a list of the investments.

Ms. Sharp stated that she could provide it.

Commissioner Locke wished City Manager Llewellyn luck in bike across Kansas.

CITY MANAGER'S REPORT

City Manager Herb Llewellyn stated that they put a new sign up at Community National Bank and Burger King stating no right turn, please turn at the light. He stated it was filled in and had already been driven over by that evening.

Commissioner Nick Badwey asked what the fine was for being off truck route.

City Attorney Jim Murfin stated it was \$100 and included court costs.

Mr. Rickard stated that it was there prior to the construction of Wal-Mart and Village Road was built to prevent that issue.

Commissioner Young asked if they should look at raising court costs.

City Manager Llewellyn stated they were coming to discuss court costs soon.

City Manager Llewellyn stated they had a meeting last week about Towanda Avenue regarding the area west of the bridge. He stated that there is a movement to build a bigger road and thought that it would be on the agenda in two weeks. He stated they needed to discuss some of it in executive session.

Mayor Fagg asked why the meeting was at two in the afternoon.

City Manager Llewellyn stated it was set up by the secretaries for the City and County based on availability of those who needed to attend.

Mayor Fagg stated it was hard for them to attend because of the time and he asked who was at the meeting.

City Manager Llewellyn stated that the Township, County Commissioners, County Administrator, City Staff, Commissioner Young and Commissioner Chapin and also some individuals from the college.

Mayor Fagg asked what was accomplished.

City Manager Llewellyn stated there were no decisions made, they were discussing with the County about contributing to the project and they requested that the other people be invited.

Commissioner Young stated that there was good feedback from the College and the Township. He stated there was feedback from the County and a landowner.

Commissioner Chapin stated he thought the meeting was positive and that the other entities were eager to help.

Commissioner Young asked if they should expect to have something at the next meeting.

City Manager Llewellyn stated that he did.

Mayor Fagg stated that Commissioner Meyer asked him to get a meeting together this week. He asked if the rest of the Commission is ok with it.

Commissioner Young stated he was disappointed it was not being discussed tonight and felt that they didn't need to have more meetings.

City Manager Llewellyn stated that he would help them to understand more in executive session.

Commissioner Badwey stated he felt they should hear what is said in executive and then make a decision.

Mayor Fagg asked if they could do something after they discuss it in executive.

Commissioner Chapin asked who Commissioner Meyer wanted to see in the meeting.

Mayor Fagg stated he was unsure, he could talk to them.

Commissioner Young stated they could make the decision after executive, he felt that Commissioner Meyer's questions were already answered.

There was consensus to move on to executive session.

EXECUTIVE SESSION

Commissioner Nick Badwey moved to recess into an Executive Session for the purpose of discussing legal matters, and to reconvene the regularly scheduled meeting in the City Commission room at 10:00 p.m.

Commissioner Chase Locke seconded the motion.

Commissioner Chapin asked who determines legal executive sessions.

City Attorney Jim Murfin stated he did.

Commissioner Bill Young asked if the Mayor planned to oppose the session.

Mayor Fagg stated he was.

Commissioner Young stated that he had a problem with the Mayor opposing the session and then going in and participating.

Commissioner Locke agreed.

More discussion.

Commissioner Young pointed out that if the Mayor goes into the room, he is just as liable as the rest of the Commission. He stated that he should not make it sound nefarious and then go lead the conversation.

Commissioner Chapin stated that if he did not want to participate in the executive session, he should stay outside of the room. He stated that if he trusted the attorney, he should vote for it and participate.

Commissioner Locke stated that he felt that the attorney was leading them in the right direction and that these issues were important to discuss in executive session. He stated that they were acting in the best interests of the citizens of El Dorado.

Motion carried 4 – 1 (Mayor Fagg opposed).

Mayor Fagg called the meeting back to order at 10:05 p.m.

Commissioner Nick Badwey moved that they reconvene into executive session for thirty minutes and return to the regularly scheduled Commission meeting at 10:35.

Commissioner Chase Locke seconded the motion.

Motion carried 3 – 1 (Commissioner Young remained in the conference room, and Mayor Fagg opposed the motion).

Mayor Fagg called the meeting back to order at 10:

Mayor Fagg asked if there was a motion to be made.

There was no motion.

ADJOURNMENT

Commissioner Bill Young moved to adjourn the meeting at 10:45 p.m.

Commissioner David Chapin seconded the motion.

Motion carried 5 – 0.

City Clerk Tabitha D. Sharp

Mayor Michael A. Fagg

EL DORADO CITY COMMISSION MEETING

June 16, 2014

The El Dorado City Commission met in a regular session on June 16, 2014 at 7:00 pm in the Commission Room with the following present: Mayor Michael Fagg, Commissioner Chase Locke, Commissioner Bill Young, Commissioner Nick Badwey, City Manager Herb Llewellyn, Attorney Jim Murfin, Assistant City Engineer Scott Rickard, and City Clerk Tabitha Sharp. Absent: Commissioner David Chapin

VISITORS

Nancy Green	1013 S Topeka	El Dorado, KS
Dan and Julie Jones	202 SW Money Rd	El Dorado, KS
Billy Jackson	803 SE Sherrylee Lane	El Dorado, KS
Tammy Leis	215 N Mulberry	Eureka, KS
Pamela Gfeller	2926 W 4 th	El Dorado, KS
Jonna Garbee	5201 NW 40 th	El Dorado, KS
Kathee Vaught	331 Northern	El Dorado, KS
Jack Clay	609 S Summit	El Dorado, KS
Karen Ottaway	609 S Summit	El Dorado, KS
Jessica Morris	1824 W 4 th	El Dorado, KS
Kristina Helmer	2220 Gentry Ln	El Dorado, KS
James Cook	719 Fredrick Dr	El Dorado, KS
Lynn Wege	1611 W Pine	El Dorado, KS
Thelda Shelton	1140 S Arthur	El Dorado, KS
Misty Gawith	5959 SE US HWY 54	El Dorado, KS
Park Norris	505 School Rd	El Dorado, KS
Judie Storandt	105 Race	El Dorado, KS
Jim Johnson	901 Main	Towanda, KS
Richard Berger		Towanda, KS
Mary Wilson	1016 N Waco	El Dorado, KS
Matt Perez	220 E 1 st	El Dorado, KS
Julie Clements	El Dorado Times	El Dorado, KS

CALL TO ORDER

Mayor Michael A. Fagg called the June 16, 2014 meeting to order.

INVOCATION

Commissioner Chase Locke opened the meeting with an invocation.

PLEDGE OF ALLEGIANCE

The City Commission led the pledge of allegiance.

PUBLIC COMMENT

Mayor Michael Fagg opened the floor for public comments.

Marlene Rethman, 1153 S Arthur, addressed the Commission regarding the property on 1611 W Finney and other properties in the area around Arthur.

Judith Storandt, Kids Need To Eat, presented information on her summer food program. She also asked for leniency regarding the sign permit so that she could advertise in city parks.

Thelda Shelton, 1140 S Arthur, expressed concerns regarding the mowing in her area of town.

Mayor Michael Fagg asked if Judith Storandt is doing ok on volunteers and funding.

Ms. Storandt stated that they are ok on volunteers except during the last week of the summer. They are also \$500 short on their funds.

CONSENT AGENDA

Approval of the City Commission minutes from June 2, 2014 and the Special City Commission minutes from May 28, 2014.

Commissioner Bill Young moved to approve the consent agenda as presented.

Commissioner Nick Badwey seconded the motion.

Motion carried 4 – 0.

PUBLIC HEARING FOR PROJECT NO. 370 – SW QUADRANT SIDEWALK REPLACEMENT

Scott Rickard, Assistant City Engineer, stated that the public hearing was scheduled for this meeting for the Southwest Quadrant Sidewalk Project.

Mayor Michael Fagg opened the public hearing.

Karen Ottoway, 609 S Summit, asked if there was a guarantee on how long the sidewalk would last.

Mr. Rickard stated the City would stand behind it for a reasonable amount of time. He stated that sometimes it is caused by heaving, soils, or too much sand. He stated that they could contact the engineering department if they had any further questions or problems with the sidewalk.

Jack Clay, 609 S Summit, asked if the home owner was responsible for the whole cost.

Mr. Rickard stated that the city pays for removal, ramps being repaired for ADA requirements. He stated that the assessment is spread over ten years, interest free.

Mayor Fagg closed the public hearing.

Commissioner Bill Young moved that Ordinance No. S-1331, an ordinance levying special assessments on certain property to pay the costs of internal improvements in the city of El Dorado, Kansas, as heretofore authorized by Resolution No. 2701 of the city; and providing for the collection of such special assessments (SW quadrant sidewalk rehabilitation/project no. 370).

Commissioner Chase Locke seconded the motion.

ROLL CALL VOTE

	Mayor Michael Fagg	Yes
Position No. 1	Commissioner Chase Locke	Yes
Position No. 2	Commissioner Bill Young	Yes
Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner David Chapin	Absent

SPECIAL USE PERMIT TO ALLOW OFF-SITE PARKING ON PROPERTY LOCATED AT 107 S MAIN (CASE NO. 14-006-SUP)

Matt Perez, Planning and Zoning, stated that this item was recommended by the Planning Commission for approval 8 – 0. He stated that this request came through after the previous request for parking in the same area. He stated that they have added landscaping in on the East side of the lot to separate it from Main Street.

Commissioner Chase Locke stated he was glad that they were able to do the whole area.

Commissioner Chase Locke moved that the recommendation of the Planning Commission to approve Case No. 14-006-SUP requesting a Special Use Permit to allow an off-street parking lot at 107 S Main be accepted and that Ordinance No. G-1176 be approved.

Commissioner Bill Young seconded the motion.

Mayor Michael Fagg thanked the property owners and the developers for including this piece.

ROLL CALL VOTE

Position No. 1	Commissioner Chase Locke	Yes
Position No. 2	Commissioner Bill Young	Yes
Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner David Chapin	Absent
	Mayor Michael Fagg	Yes

SPECIAL USE PERMIT TO ALLOW OFF-SITE PARKING & AN OFF-SITE ADVERTISING SIGN LOCATED AT 2700 W 6TH (CASE NO. 14-005-SUP)

Matt Perez, Planning and Zoning, stated there was a mistake in the agenda item. There is no off-site parking.

Mr. Perez stated that the Planning Commission recommended denial of the sign 4 – 3.

Scott Rickard, Assistant City Engineer, stated that the property is zoned R-1. He stated that because of its use as occupational/institutional, the City requires a special use. Off-site advertising is only allowed in I-1 or I-2 districts. He stated that there is no problem with the sign, the advertisement at the bottom of the sign is what prompted the special use permit.

Mr. Rickard stated that they have discussed other avenues to thank Verus Bank for their donation such as scrolling through the sign or a plaque inside the school.

City Manager Herb Llewellyn stated that it is his belief that the advertisement is not allowed in the area because it is zoned as R-1. He stated that staff are using the use of the property, not the zoning of the property.

Commissioner Nick Badwey asked if off-site advertising is allowed on an O/I property.

City Manager Llewellyn stated it was with a special use permit.

City Attorney Jim Murfin agreed with the City Manager's findings. He stated that there is not an opportunity to apply for a special use permit because of the zoning. He stated if the school requests a change in the zoning of the property, then they could apply for the special use permit.

Jim Johnson, USD 375, stated that a sign was not included in the bond money for the changes to Oil Hill Elementary. He stated that Verus Bank is offering \$30,000 for the sign. The school district wishes to place a plaque recognizing Verus Bank to thank the bank for their contribution.

Mr. Johnson stated that the partnership is good for the community because it does not take away from school budgets. He asked the Commission to reconsider the Planning Commission's decision.

Johnna Garbee, PTO President, stated that she felt the funds they raise are better served in the classrooms. She asked the Commission to reconsider the Planning Commission's decision to deny the SUP.

Commissioner Nick Badwey asked Superintendent Johnson if the school district would consider applying to change the zoning.

Superintendent Johnson stated that it was his understanding that it was not an option.

Commissioner Bill Young asked if the donation was tied to the plaque.

Superintendent Johnson stated that there was no stipulation on the donation.

Commissioner Young stated he was in favor of this moving forward, he supported public/private partnerships. He stated that he also felt it needed to happen the right way. He stated that they could move forward with the sign and then move forward with the rezoning.

Commissioner Badwey asked how long the process was.

Mr. Rickard stated it was two months.

Superintendent Johnson stated he did not believe that would be a problem.

Commissioner Young stated he felt this was a great opportunity to not only help the school district but also allow the district to spend their money in their classrooms.

Superintendent Johnson asked what the next step would be.

Mr. Rickard stated that staff will initiate the rezone.

Mayor Michael Fagg asked if the funding for the sign was missed by accident.

Superintendent Johnson stated the desire for the sign came after the bond issue.

Mr. Rickard stated they would probably bring a larger scale rezone to the Commission.

City Manager Llewellyn stated when they come back, they will be able to vote on the rezone and the SUP at the same time.

Commissioner Bill Young moved to send the issue back to the Planning Commission and to include the rezone and special use permit.

Commissioner Bill Young seconded the motion.

Motion carried 4 – 0.

SET A HEARING DATE FOR PROJECT NO. 358 – CURB & GUTTER – 300 BLOCK N. ATCHISON

Scott Rickard, Assistant City Engineer, stated that this was the first of a few projects that will be added to the property taxes in August.

Commissioner Nick Badwey moved to set the public hearing for 7:00 p.m. on July 7, 2014 to be held for the purpose of considering the proposed assessments of the cost of Project No. 358, and further direct individual mailings to each owner liable for the special assessments.

Commissioner Bill Young seconded the motion.

Motion carried 4 – 0.

SET A HEARING DATE FOR PROJECT NO. 386 – SANITARY SEWER TO SERVE MIDDLE SCHOOL

Scott Rickard, Assistant City Engineer, stated that this is the sewer line serving the middle school and a hearing needed to be set for the next meeting.

Mayor Michael Fagg stated he had a few questions but they could wait.

Mr. Rickard stated that he could e-mail them to him and he would answer them.

Commissioner Chase Locke moved to set the public hearing for 7:00 p.m. on July 7, 2014 to be held for the purpose of considering the proposed assessments of the cost of Project No. 386, and further direct individual mailings to each owner liable for the special assessments.

Commissioner Nick Badwey seconded the motion.

Motion carried 4 – 0.

SET A HEARING DATE FOR PROJECT NO. 387 – PAVING WILDCAT WAY

Scott Rickard, Assistant City Engineer, stated that this project serves the new middle school.

Commissioner Bill Young moved to set the public hearing for 7:00 p.m. on July 7, 2014 to be held for the purpose of considering the proposed assessments of the cost of Project No. 387, and further direct individual mailings to each owner liable for the special assessments.

Commissioner Nick Badwey seconded the motion.

Motion carried 4 – 0.

SET A HEARING DATE FOR PROJECT NO. 315 – RAIL SPUR INDUSTRIAL PARK

Scott Rickard, Assistant City Engineer, stated that this was the spur is part of the project to serve Barton Solvents and BG Products.

Commissioner Nick Badwey moved to set the public hearing for 7:00 p.m. on July 7, 2014 to be held for the purpose of considering the proposed assessments of the cost of Project No. 315, and further direct individual mailings to each owner liable for the special assessments.

Commissioner Chase Locke seconded the motion.

Motion carried 4 – 0.

SET A HEARING FOR PROJECT NO. 342 – INDUSTRIAL PARK PAVING, WATER & SEWER IMPROVEMENTS

Scott Rickard, Assistant City Engineer, stated this was the infrastructure to serve BG Products, Barton Solvents, Pioneer Ballon and the City of El Dorado’s vacant lot.

Commissioner Chase Locke moved to set the public hearing for 7:00 p.m. on July 7, 2014 to be held for the purpose of considering the proposed assessments of the cost of Project No. 342, and further direct individual mailings to each owner liable for the special assessments.

Commissioner Bill Young seconded the motion.

Mayor Michael Fagg asked about the costs associated with this.

Mr. Rickard stated that the City has costs for the vacant parcel and some carrying costs for the Pioneer Balloon parcel.

Motion carried 4 – 0.

PROJECT NOS. 416 & 417 – PAVING 4TH & 5TH STREETS

Scott Rickard, Assistant City Engineer, stated that they went out to bid on the paving of 4th and 5th Avenues to Boyer Road. He stated that they have received the majority of the property owners have signed the petition.

Mr. Rickard stated that the estimates came in above the Engineer’s estimate due to increase in asphalt prices and the addition of storm sewer.

Mr. Rickard stated that they are asking to revise the resolutions and award the contract to Cornejo & Sons who submitted the lowest and best bid.

Mayor Michael Fagg asked who was paying for storm sewer.

Mr. Rickard stated it was extra cost for the City-at-Large. He stated that this was due to the policy that we do not increase costs once they are distributed to the citizens.

Mayor Fagg stated that one of these is scheduled for 2015 and one for 2016. He asked if funding is affected.

Mr. Rickard stated that better prices are provided for the larger project. He stated that they include mobilization costs to get the true costs of the materials.

City Manager Herb Llewellyn stated that he agrees with Mr. Rickard, when a project is delayed, it only increases.

Mr. Rickard stated that when the property owners petition to initiate a project, it changes our schedule.

City Manager Llewellyn stated they were part of the CIP because of the annexation rules. He stated that the people in the area decided they did not want to wait on that schedule.

Mayor Fagg asked if we would move another project to make room for this one.

City Manager Llewellyn stated that these projects have been anticipated in the future bond issues.

Mr. Rickard stated that he and the Finance Director meet regularly to look at projects and bonds to ensure that we are within limits.

Commissioner Nick Badwey moved that Resolution No. 2736 a Resolution amending and supplementing Resolution No. 2717 which determined the advisability of the making of certain internal improvement in El Dorado, Kansas (Paving of 5th Ave. from School Rd. to Boyer Rd. Improvements/Project 417.

Commissioner Nick Badwey also moved that Resolution No. 2737 a Resolution amending and supplementing Resolution No. 2716 which determined the advisability of the making of certain internal improvement in El Dorado, Kansas (Paving of 4th Ave. from School Rd. to Boyer Rd. Improvements/Project 416

Commissioner Bill Young seconded the motion.

Motion carried 4 – 0.

MOTION 2

Awarding the Contract

Commissioner Bill Young moved that as Cornejo & Sons has submitted the best bid for project nos. 416 & 417 of \$636,195.25, that the City Manager be directed to award the contract to said contractor providing that the company furnish the proper bonds.

Commissioner Chase Locke seconded the motion.

Motion carried 4 – 0.

**RECEIVE THE PETITION ON PROJECT NO. 447 – PAVING TOWANDA AVE
(HAVERHILL TO CONSTANT CREEK)**

Scott Rickard, Assistant City Engineer, stated that the City has received a petition from the majority of the land owners on Towanda Avenue from Haverhill to Constant Creek. He stated that they construction includes a standard city road with curb and gutter, storm sewer improvements, asphalt and a stabilized base.

Mr. Rickard stated staff are asking for the Commission to accept the petition and to allow them to proceed with planning and development.

Commissioner Bill Young thanked the property owners for their petition.

Mr. Rickard stated that this will be in conjunction with the project from Edgemoor to Constant Creek. He stated that the College has made an inquiry regarding the portion of the road West of Haverhill. He stated that the Township has agreed to fund \$56,000 of the project. He stated that the County has offered \$25,000 in cash and \$25,000 in-kind services. He stated that an agreement is being developed for the Commission to sign.

Commissioner Young asked if the City Manager thought there would be any will to convert the \$25,000 in kind if there is no work for them.

City Manager Herb Llewellyn stated that he believes that County Staff are thinking of that. He stated that he believes the County Commissioners will discuss it soon.

Commissioner Young stated he is disappointed that Commissioner Chapin could not see this project begin this evening. He stated this is a project that a lot of people are excited about. He also thanked everyone who collaborated on the project.

Mayor Michael Fagg asked how the assessment amount was reached.

Mr. Rickard stated that the 8.55 cents per square foot was based on the contributions from the other government entities and the City-at-Large funding as well as the property owners ability to fund their portion.

Commissioner Locke echoed Commissioner Young's comments.

Mayor Fagg stated that he would like to have discussed the petition more. He thanked the citizens who are in the original project area, he thanked the County for their \$50,000 contribution,

he thanked the El Dorado Township for their donation, he thanked Fred Kropf for agreeing to pay his portion, and he thanked the City-at-Large for their understanding.

Mayor Fagg confirmed that this will be a fully developed City street.

Commissioner Young stated he was uncomfortable with the smaller projects. He stated he was proud to see this project happen.

Commissioner Bill Young moved that Resolution No. 2738, a resolution determining the advisability of the making of certain internal improvements in El Dorado, Kansas; making certain findings with respect thereto; and authorizing and providing for the making of the improvements in accordance with such findings (paving Towanda Avenue - Haverhill Road to Constant Creek).

Commissioner Chase Locke seconded the motion.

Motion carried 4 – 0.

NEW BUSINESS

Commissioner Bill Young asked for clarification on the collection of sales tax from transient vendors.

City Clerk Tabitha Sharp stated that staff collect information on the sales tax id numbers for each vendor and try to check the sales tax collections to ensure that they are paying. She stated that she was unsure of how the process goes from there.

City Manager Herb Llewellyn asked what the fee was.

Ms. Sharp stated that it is \$50 per day and \$500 per year.

Commissioner Young asked when the last time the fee was evaluated.

Ms. Sharp stated that she was unsure when the last time it was reviewed was, she and the Police Chief have been working on a new fee structure and application to better track these individuals.

Commissioner Young stated the reason he was asking the question was because the local businesses are contributing more than the transient vendors and those local individuals are concerned about the competition with individuals who have such a small overhead.

Commissioner Chase Locke stated that he also thought they should look at it.

Commissioner Young requested that staff continue to look at it.

Commissioner Locke asked for clarification on the communication on Arthur and on Ms. Storandt.

City Manager Llewellyn stated that Ms. Storandt's letter discussed going to court which is why he sent it to the attorney. He stated as for the house on South Finney, that was our fault because it was forgotten, we are working to ensure that it doesn't happen again. He stated that it will be demolished this summer.

Commissioner Young stated that the City Manager did the right thing by sending it to the City Attorney.

Mr. Rickard stated that the Code Enforcement Officer received the request Friday and dispatched the mowing crew on Saturday to take care of it. He also stated that it doesn't look good right now because the tractor was stuck several times trying to mow the property.

Commissioner Locke stated that Relay for Life will be at East Park Friday night.

Commissioner Locke stated that the El Dorado High School theater group will be holding a special event next Monday night to raise money for their future performances.

Commissioner Nick Badwey echoed the invitation.

Commissioner Locke stated he attended the Symphony in the Flint Hills last weekend. He stated it was a really great event and gave kudos to the Convention and Visitor's Bureau for their work with the event.

Kurt Bookout, Public Utilities Director, mentioned that the City was the official water sponsor for the event.

Commissioner Locke stated that Walter's Flowers prepared 110 flower arrangements for the event on only six weeks' notice.

Mayor Fagg stated he saw people from out of town who complimented the City.

City Manager Llewellyn stated that the CVB was positive about all of the events.

Mayor Fagg asked if there had been a meeting with the Legion.

City Manager Llewellyn stated that he had not.

Mayor Fagg asked him to get to it soon.

Mayor Fagg stated he was unhappy about the bump on North Main still and asked if sales tax money could be used to fix it.

Mr. Rickard stated that it had been ground down. He stated that if you stay within your lane, the bump had been ground down and it is mostly smooth now.

Commissioner Badwey asked where it was.

City Manager Llewellyn stated it was next to the dog shop on North Main.

City Manager Llewellyn stated that the City would have to excavate and raise the box in order to fix it completely.

Mr. Rickard stated that unfortunately not a lot of thought was put into the road when it was built. He stated that when they encounter a box like that, it is difficult to transition the asphalt around it.

Commissioner Badwey stated he thought it was a telephone manhole.

Mr. Rickard stated they thought it was originally, but it is a storm sewer manhole.

Mayor Fagg asked what the radius of the corner at 6th & Main was.

Mr. Rickard stated he would have to look.

Mayor Fagg stated he would still like to either reduce the number of lanes or talk to the land owner to cut back into the corner to fix the tire tracks.

City Manager Llewellyn stated that the plan currently is to fill in the area between the two ramps with concrete.

Mr. Rickard stated that he hasn't seen as many tracks in it now as he had at the beginning.

Mayor Fagg asked about mowing of property on West Central.

City Manager Llewellyn stated he would ask about it.

Mayor Fagg stated there needed to be mowing in the old Fenton Ford lot.

Mayor Fagg asked about the corner in front of CNB.

City Manager Llewellyn stated that a sign was placed and staff put in fill dirt. He stated that he believed that it was run over again within 24 hours.

Mayor Fagg asked for information about the investments.

Ms. Sharp stated that she has received the information from the bank, but has asked for clarification on a few of the items.

CITY MANAGER'S REPORT

Mayor Michael Fagg asked about the bike across Kansas trip.

City Manager Herb Llewellyn stated that he saw a tornado the first day and some rain, day two he saw rain and rode into the wind, he also had a leaky tent the second night. He said the third night it rained again. He stated that he will try it again in the future.

ADJOURNMENT

Commissioner Bill Young moved to adjourn the meeting at 8:56 p.m.

Commissioner Chase Locke seconded the motion.

Motion carried 4 – 0.

City Clerk Tabitha D. Sharp

Mayor Michael A. Fagg

The El Dorado City Commission met in special session on June 25, 2014 at 4:00 pm in the Commission Room with the following present: Vice Mayor David Chapin, Commissioner Chase Locke, Commissioner David Chapin, City Manager Herb Llewellyn, Finance Director Tammy Schaffer, and City Clerk Tabitha Sharp. Absent: Mayor Michael Fagg

VISITORS

Wes Barnett	1310 S Emporia	El Dorado, KS
Linda Jolly	El Dorado Inc.	El Dorado, KS
Jen Cook	1340 Glenview Dr	El Dorado, KS
Susie Carson	201 W Central	El Dorado, KS
Suzie Locke	220 E 1 st	El Dorado, KS
Holly Ross	Main Street	El Dorado, KS
Collin Rowell	El Dorado Inc.	El Dorado, KS
David Sundgren	El Dorado Inc.	El Dorado, KS

CALL TO ORDER

Vice Mayor David Chapin called the June 25, 2014 Special City Commission meeting to order at 4:00 p.m.

OUTSIDE AGENCY BUDGET PRESENTATIONS

The Commission reviewed the outside agency budget requests. They requested that staff increase the Broncos funding by \$5,000.

ADJOURNMENT

Commissioner Chase Locke moved to adjourn the meeting at 5:01 p.m.

Commissioner Vice Mayor David Chapin seconded the motion.

Motion carried 4 – 0.

City Clerk Tabitha D. Sharp

Mayor Michael A. Fagg

EL DORADO CITY COMMISSION MEETING

July 7, 2014

The El Dorado City Commission met in a regular session on July 7, 2014 at 7:00 pm in the Commission Room with the following present: Mayor Michael Fagg, Commissioner Chase Locke, Commissioner Bill Young, Commissioner Nick Badwey, Commissioner David Chapin, City Manager Herb Llewellyn, Assistant City Engineer Scott Rickard, and City Clerk Tabitha Sharp. Absent: Attorney Jim Murfin

VISITORS

Matt Guthrie	811 W Central	El Dorado, KS
James Powell	323 W Carr	El Dorado, KS
Curt Zieman	128 N Vine	El Dorado, KS
Jim Gardner	930 Fairway Ct	El Dorado, KS
James Cook	719 Fredrick Dr	El Dorado, KS
Nancy Green	1013 S Topeka	El Dorado, KS
Bill Buchanan	246 S Dellrose	Wichita, KS
Kathy Sexton	611 N Mulberry	Derby, KS
Julie Clements	El Dorado Times	El Dorado, KS
Kurt Bookout	2520 Kacy Ct	El Dorado, KS
Jen Cook	220 E 1 st	El Dorado, KS
Susie Carson	201 E Central	El Dorado, KS

CALL TO ORDER

Mayor Michael A. Fagg called the July 7, 2014 meeting to order.

INVOCATION

Mayor Michael Fagg opened the meeting with an invocation.

PLEDGE OF ALLEGIANCE

Police Chief Curt Zieman led the pledge of allegiance.

PROCLAMATION

Kathy Sexton, City Manager of Derby and William Buchanan, Sedgwick County Manager, discussed the impact of the International City Manager’s Association (ICMA) on Kansas cities.

Mayor Michael Fagg read the proclamation regarding the ICMA 100th anniversary.

PUBLIC COMMENT

Mayor Michael Fagg opened the floor for public comment.

Matt Guthrie, 811 W Central, stated he was concerned about animals left at the vacant house next door. He stated that he is concerned about the code regarding unattended animals.

Commissioner Nick Badwey confirmed that Mr. Guthrie had fed the animals.

Mr. Guthrie stated he had.

City Manager Herb Llewellyn stated he would talk to staff and find out the situation. He stated they could also talk to him about how to go about changing the ordinance.

Commissioner Bill Young and Commissioner Chase Locke also agreed that something should be done.

Nancy Green, 1013 S Topeka, stated she is not happy with the condition of the streets at the cemetery.

Ms. Green also stated that she is upset about the fireworks at late hours over the last eleven days.

Mayor Michael Fagg asked how she would compare the fireworks this year to other years.

Ms. Green stated she felt it was worse this year than any other year.

Mayor Fagg confirmed that the cemetery streets were scheduled.

Scott Rickard, Assistant City Engineer, stated that they planned to have the cemetery streets done by the end of the summer.

Mayor Fagg asked Ms. Green to wait another month to move her husband's ashes.

James Powell, 323 W Carr, stated he was disappointed that more of the City Staff and Commission did not come to the Insurance Commissioners' Forum. He also stated he was interested in having an El Dorado Days during the spring time because he felt there was nothing to do in El Dorado.

CONSENT AGENDA

Approval of the Special City Commission minutes from June 25th and City Commission minutes from June 16, 2014.

Approval of the Appropriation Ordinance 06-14 in the amount of \$1,935,558.70.

Mayor Michael Fagg thanked staff for the ordinance report.

Mayor Fagg asked why we do not do our own oil changes.

City Manager Herb Llewellyn stated that it is less expensive for us to send our vehicles out for an oil change. He stated that they are sent to various places in El Dorado, John K Fisher does the majority of our warranty work. He stated that our larger pieces of equipment are done in house.

Mayor Fagg asked what the petty cash advance for the golf course was.

City Clerk Tabitha Sharp stated that part of it was for Tournaments. The prizes are taken from that money and we receive it back in the revenue from the tournament. She stated it could also be for their checking account, Prairie Trails is required to write checks for some of their deliveries because beer companies cannot work on a charge account basis.

Mayor Fagg asked why the golf carts were paid for in full, he stated that he thought they were to be leased.

City Manager Llewellyn reminded him that he and the Commission had voted to purchase them out right.

Mayor Fagg asked if the \$300 for publication and printing in the Wichita Eagle was for advertising.

City Manager Llewellyn stated it was.

Mayor Fagg asked about the lunch for Marci.

City Manager Llewellyn stated that the water department had a luncheon for Marci when she left.

Mayor Fagg asked about the fuel charges for a trip Tennessee taken from the water fund.

City Manager Llewellyn stated that it was a trip to pick up trees but was unsure why it was out of the water fund.

Ms. Sharp stated that typically the City Manager's expenses are separated out over the departments he is paid from. She stated that it was likely missed by the person keying the invoice and a journal entry could be done to correct it.

Mayor Fagg asked why he went to Tennessee to get trees.

City Manager Llewellyn stated that the trees were free.

Mayor Fagg asked if he had the papers on them.

City Manager Llewellyn stated he did.

Mayor Fagg asked what the charges to Rolloff USA were for.

City Manager Llewellyn stated that it was for dumpsters.

Commissioner Nick Badwey moved to approve the consent agenda as presented.

Commissioner Bill Young seconded the motion.

Motion carried 5 – 0.

PUBLIC HEARING FOR PROJECT NO. 358 – CURB & GUTTER 300 N ATCHISON

Scott Rickard, Assistant City Engineer, stated that this is the public hearing regarding the work done at 300 N Atchison which included replacement of the curb and gutter and some driveway work.

Mayor Michael Fagg opened the public hearing.

There were no comments.

Mayor Fagg closed the public hearing.

Commissioner Nick Badwey moved that Ordinance No. S-1332, an ordinance levying special assessments on certain property to pay the costs of internal improvements in the city of El Dorado, Kansas, as heretofore authorized by resolution no. 2718 of the city; and providing for the collection of such special assessments (project no. 358).

Commissioner David Chapin seconded the motion.

Commissioner Chapin asked if people liked the road.

Mr. Rickard stated that he thought they were and that the drainage is improved.

ROLL CALL VOTE

Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner David Chapin	Yes
	Mayor Michael Fagg	Yes
Position No. 1	Commissioner Chase Locke	Yes
Position No. 2	Commissioner Bill Young	Yes

PUBLIC HEARING FOR PROJECT NO. 386 – SANITARY SEWER TO SERVE THE MIDDLE SCHOOL

Assistant City Engineer Scott Rickard stated that this is the project to extend the sanitary sewer line to the new middle school. He stated that the total project costs were \$136,505.23. He stated that the whole cost is carried by the benefit district.

Mr. Rickard stated that part of the petition included language stating that if the land to the South were ever developed, they would share the costs.

Mayor Michael Fagg opened the public hearing.

There were no comments.

Mayor Fagg closed the public hearing.

Mayor Fagg asked if the legal description was the north side of the road.

Mr. Rickard stated it was.

Mayor Fagg asked about the south side.

Mr. Rickard stated that it is included with the petition that is filed with the deed and is owned by a private individual.

Mayor Fagg asked where the sewer goes.

Mr. Rickard stated that it goes down the middle of the field on the south side of Wildcat Way and ties into the north side of the Banks/Wilhite Addition. He stated that there is a 12 inch sewer to accommodate future growth.

Mayor Fagg asked if the City pays the sewer line if it is developed in the future.

Mr. Rickard stated that at the time of platting, the developer would be responsible for half of the costs before connection. He stated that wastewater/sewer is carried 100% by the developer.

City Manager Herb Llewellyn stated if the City wants it bigger, than they pay the costs.

Commissioner Bill Young moved that Ordinance No. S-1333, an ordinance levying special assessments on certain property to pay the costs of internal improvements in the city of El Dorado, Kansas, as heretofore authorized by resolution no. 2691 of the city; and providing for the collection of such special assessments (project no. 386).

Commissioner Chase Locke seconded the motion.

ROLL CALL VOTE

Position No. 4	Commissioner David Chapin	Yes
	Mayor Michael Fagg	Yes
Position No. 1	Commissioner Chase Locke	Yes
Position No. 2	Commissioner Bill Young	Yes
Position No. 3	Commissioner Nick Badwey	Yes

PUBLIC HEARING FOR PROJECT NO. 387 – PAVING WILDCAT WAY

Scott Rickard, Assistant City Engineer, stated that this project was for the paving of Wildcat Way. He stated that final project costs came in at \$433,022.25. He stated that the City-at-large portion came in at \$146,403.89. The improvement district costs were \$286,618.36.

Mr. Rickard stated that this is similar to the sanitary sewer project, if the property to the South ever develops, they will be liable for half of the improvement district costs.

Mayor Michael Fagg opened the public hearing.

There were no comments.

Mayor Fagg closed the public hearing.

Commissioner Chase Locke moved that Ordinance No. S-1334, an ordinance levying special assessments on certain property to pay the costs of internal improvements in the city of El Dorado, Kansas, as heretofore authorized by resolution no. 2692 of the city; and providing for the collection of such special assessments (project no. 387).

Commissioner Nick Badwey seconded the motion.

Mayor Fagg asked if the property on the South side of the road is in the City.

Mr. Rickard stated it is not, but the entire right of way is.

Mayor Fagg confirmed that they followed City policy.

Mr. Rickard stated that it was.

ROLL CALL VOTE

	Mayor Michael Fagg	Yes
Position No. 1	Commissioner Chase Locke	Yes
Position No. 2	Commissioner Bill Young	Yes
Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner David Chapin	Yes

PUBLIC HEARING FOR PROJECT NO. 315 – INDUSTRIAL PARK RAIL SPUR

Assistant City Engineer Scott Rickard stated that this project was done quite a while back. He stated that the City had to wait to close the project until the grant had been closed.

Mr. Rickard stated that the rail spur came in at \$1,097,626.68 and grant revenue was \$871,249.86. He stated that the remainder was left to assessments, one for BG Products in the amount of \$79,231.89 and another for Barton Solvents in the amount of \$147,144.93. He stated the assessments were based on the percentage of storage.

Mayor Michael Fagg opened the public hearing.

There were no comments.

Mayor Fagg closed the public hearing.

Mayor Fagg asked why there was no assessment for Valmont.

Mr. Rickard stated that originally it was discussed that Valmont might want a section of the spur, but they declined.

Mayor Fagg confirmed the City has no responsibility for this.

Mr. Rickard stated it did not, it was a petition from the two owners requesting rail service. The City is the owner and subleases it to them.

Mayor Fagg asked if another entity comes in, if they would be able to use the rail spur.

Mr. Rickard stated they would probably have to use the Savage rail service because the BG/Barton spur is private.

City Manager Herb Llewellyn stated that this spur was designed to serve BG/Barton, he did not think it could be expanded for others.

Mr. Rickard stated that there are possibilities in other areas of the industrial park.

Commissioner Bill Young moved that Ordinance No. S-1335, an ordinance levying special assessments on certain property to pay the costs of internal improvements in the city of El Dorado, Kansas, as heretofore authorized by ordinance no. S-1309 of the city; and providing for the collection of such special assessments (project 315).

Commissioner David Chapin seconded the motion.

ROLL CALL VOTE

Position No. 1	Commissioner Chase Locke	Yes
Position No. 2	Commissioner Bill Young	Yes
Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner David Chapin	Yes
	Mayor Michael Fagg	Yes

PUBLIC HEARING FOR PROJECT NO. 342 – INDUSTRIAL PARK-PAVING, WATER & SEWER IMPROVEMENTS

Assistant City Engineer Scott Rickard stated that this was the infrastructure improvements for the industrial park. He stated it would accommodate BG Products, Barton Solvents, Pioneer Balloon and a parcel owned by the City of El Dorado.

Mr. Rickard stated that the total cost was \$1,597,057.69. He stated that they received grants in the amount of \$702,680.44. He stated the balance for water was \$53,662.64, sewer \$89,437.73 and paving was \$751,276.89.

Mr. Rickard stated that the water portion was primarily for BG Products and Barton Solvents, and its primary purpose was fire protection. He stated the sewer and paving was split between the City, BG Products and Barton Solvents. He stated that if Pioneer Balloon decides to expand, they would then take a portion of the paving costs.

Mayor Michael Fagg opened the public hearing.

There were no comments.

Mayor Fagg closed the public hearing.

Mayor Fagg asked if the land was west of Pioneer.

Mr. Rickard stated that it was, and to the north as well.

Mayor Fagg confirmed that the city-at-large was paying half of the paving.

Mr. Rickard stated that the largest portion was grant money, he stated that the City is paying a quarter and carrying a quarter for Pioneer.

Mr. Rickard stated that as part of the grant, the project had to benefit three industries.

Mayor Fagg stated he did not think the Industrial Park looked very well kept.

City Manager Llewellyn stated that he was not sure, he would check on it.

Kurt Bookout, Public Utilities Director, stated that they have been spraying as well as the County.

Mayor Fagg asked about easements in the industrial park.

Mr. Rickard stated that there were none. He stated that a number of those pipeline easements have been vacated over the years.

Mayor Fagg stated he did not want it to be like the Griler addition.

Mr. Rickard stated there is an oil lease out there, there is no defined easement.

City Manager Llewellyn stated that they would have to ask permission for more oil wells because they do not fit the zoning requirements.

Mayor Fagg asked if the City received monies for the oil.

City Manager Llewellyn stated that the mineral rights had been severed several years ago.

Commissioner David Chapin moved that Ordinance No. S-1336, an ordinance levying special assessments on certain property to pay the costs of internal improvements in the city of El Dorado, Kansas, as heretofore authorized by resolution nos. 2666, 2667 and 2668 of the city; and providing for the collection of such special assessments/project nos. 342a, 342b and 342c.

Commissioner Bill Young seconded the motion.

ROLL CALL VOTE

Position No. 2	Commissioner Bill Young	Yes
Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner David Chapin	Yes
	Mayor Michael Fagg	Yes
Position No. 1	Commissioner Chase Locke	Yes

AMENDMENT TO YOUTH COMMISSION BY-LAWS

Jim Gardner, Youth Commission Advisor, stated that they have more applications than positions on the Youth Commission for the first time in a long time. He stated that typically there are more young students than older students because the older students drop out to participate in other activities. He stated that the proposed change allows for two alternates who would only vote if a voting member was absent and would not affect the quorum.

Mr. Gardner stated that it was also set up to have three members from each grade level and four at-large members. He stated that this is restrictive because they typically have more applications from the younger students because of the drop off of older students.

Commissioner Chase Locke thanked Mr. Gardner for his work with the Youth Commission. He also stated that he felt that these changes would be helpful to the organization.

Mr. Gardner stated that recruiting is a difficult chore.

Commissioner David Chapin stated he felt that it would help solve a lot of their issues with Youth Commission.

Commissioner Bill Young also thanked Mr. Gardner and said he was happy that there were more applicants this year.

Mayor Michael Fagg asked if the Youth Commission has discussed it.

Mr. Gardner stated he has spoken to some of them informally, but because it happened at the end of the year it has been difficult.

Commissioner Nick Badwey also agreed it was a good idea.

Commissioner Chase Locke moved that the proposed amendments to the by-laws of the El Dorado Youth Commission, as presented here within, are approved.

Commissioner David Chapin seconded the motion

Motion carried 5 – 0.

MUNICIPAL CODE AMENDMENT FOR PARKS

City Manager Herb Llewellyn stated that there have been more problems happening at the parks in recent times. He stated that staff are providing information on changes to the current code.

Kevin Wishart, Parks and Recreation Director, stated that the suggested changes include a change in hours, closing parks from 11 p.m. to 5 a.m. He stated that this change is due to increased vandalism and attempted break ins.

Commissioner Bill Young asked if this would work around special events.

City Manager Llewellyn stated that they would work around them.

Commissioner Young stated he supported the change.

Mayor Michael Fagg if someone participating in an event like Bike Across Kansas would be able to sleep in the parks.

Mr. Wishart stated that law enforcement will have discretion as to how to handle those. He stated that we typically are aware of those events.

City Manager Llewellyn stated that in Bike Across Kansas, the organization works with schools for sleeping areas so no one is sleeping in the parks. He stated that the City will work with pre-approved events. He stated that campers are encouraged to use approved camping facilities outside of town.

Mayor Fagg asked what we do about homeless people.

City Manager Llewellyn stated currently they call the ministerial alliance and they will put them up and feed them.

Commissioner Young pointed out that there are two issues, the first being hours and the second being bathing in the spray parks.

Commissioner David Chapin asked if that was an issue.

Mr. Wishart stated that bathing in the spray parks has been an issue lately. He stated that the detergents will affect the system over time.

Commissioner Bill Young moved to approve Ordinance No. G- 1177, an Ordinance amending park hours and bathing regulations.

Commissioner Nick Badwey seconded the motion.

ROLL CALL VOTE

Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner David Chapin	Yes
	Mayor Michael Fagg	Yes
Position No. 1	Commissioner Chase Locke	Yes
Position No. 2	Commissioner Bill Young	Yes

NEW BUSINESS

Commissioner Bill Young encouraged people to come to the Broncos game on Saturday honoring veterans.

Commissioner Nick Badwey asked about the complaints regarding the 4th of July.

Police Chief Curt Zieman stated that they received 31 calls regarding fireworks. He stated that it was the same number as last year. He stated approximately half of them were within thirty minutes of the cutoff time. He did not believe it had gotten any worse.

Mayor Michael Fagg asked if there were any injuries.

Chief Zieman stated he did not know for sure. He stated the fire department had responded to a grass fire, but it was out by the time they arrived.

Mayor Fagg asked what the revenue was on the fireworks stands.

City Clerk Tabitha Sharp stated the city received \$20,000 off of the stand permits, they do not have the sales tax information yet.

Commissioner Badwey asked where the fourth stand was.

Ms. Sharp stated there was one on Main Street, two in the area around Pizza Hut on Central and one at Haverhill and Central.

Commissioner Young stated that the 4th of July Celebration at East Park was very successful. He thanked city staff for their work and the citizens who came down to enjoy it.

Mayor Fagg stated that the parks looked nice over the weekend.

Mayor Fagg asked if they had started spraying for mosquitos yet.

City Manager Llewellyn stated it started this week.

Mayor Fagg asked if there was anyone going to the REAP meeting on July 11th.

City Manager Llewellyn stated he believed it was on his calendar. He stated that REAP has combined the REAP committee and the REAP water committee. He stated that REAP was still attempting to charge the city for both committees and so the City of El Dorado dropped their REAP water membership. He stated that REAP has restructured their dues and is charging everyone more because cities were dropping out of the water committee.

City Manager Llewellyn stated that the primary purpose for membership is to get to know elected officials and staff members from other local governments. He stated that it encourages cities to work together.

Mayor Fagg stated that he would like the City Manager to work with REAP to get them to change their fee structure.

Mayor Fagg stated he received a petition from a member at Prairie Trails, he asked if the committee had seen it.

City Manager Llewellyn stated he received it from Commissioner Badwey and forwarded it to the committee. He stated that staff calculated what it would cost to do what they were asking and it has also gone to the golf committee. He stated that the opinion of staff is that they are attempting to make the course easier by reducing the penalties for hitting off of the greens.

Mayor Fagg stated he was concerned about the number of people on the petition.

City Manager Llewellyn stated that they spoke to several of the people who signed it and they did not know what they were signing.

Commissioner Badwey stated that he encouraged the individuals to give it to the rest of the Commission.

Mayor Fagg stated he thought it should be easier to golf because it is a municipal golf course.

Mayor Fagg asked for a report from staff and the committee.

City Manager Llewellyn stated they would agenda it.

Mayor Fagg asked if they could do something with the corner at Community National.

City Manager Llewellyn stated that it had been repaired. He has also asked the police department to watch it and write tickets. He stated they would find out if it had been done yet.

Scott Rickard, Assistant City Engineer, stated that he could talk to the State to see if more could be done.

Commissioner Young asked about the off-route fine was.

City Manager Llewellyn stated it was \$100 with no court costs. He stated that it was one of the changes being brought to Commission next month for discussion.

Commissioner Young stated he believed that all of the citizens felt concern about trucks off-route and he was glad that it was being reviewed and hopeful that it would have some teeth to it.

Commissioner Chapin asked if they could make the intersection easier for trucks.

City Manager Llewellyn stated it was not built as a truck route.

Commissioner Chapin stated he felt it was a good suggestion to fix the problem.

Mayor Fagg stated he felt they should modify the corner. He asked if the State would help.

Mr. Rickard stated that it was built as a residential road when Community National went in. He stated that Wal-Mart paid for the turning lane. He stated that there would be significant costs to improve the road and the turning radius.

Mr. Rickard stated Community National Bank already paid a large amount, and they shouldn't be penalized for trucks not following the correct route.

Mayor Fagg asked if staff could tell Wal-Mart about the issue.

City Manager Llewellyn stated they could.

Commissioner Chapin asked if there were signs on the street in both directions.

Mr. Rickard stated he believed there were signs on both sides, he would check for sure. He stated he would look at the street to see what the possibilities were.

City Manager Llewellyn stated staff would look at it and talk to Wal-Mart.

Mayor Fagg asked about a signal light for Arthur and Central and taking the signal light out at Denver and Central.

Mr. Rickard stated the City has been awarded a grant from KDOT to investigate the need for signals in that area and funding for the signals.

Mayor Fagg asked if they could look at Denver and Central as well.

Mr. Rickard stated that staff are requesting the signal at Denver and Central be left so that there is a signalized cross walk.

City Manager Llewellyn stated he suggested waiting until the future of the old Middle School is decided before the signal is torn down.

Mr. Rickard stated that the State only recommends two signals in town. He stated that the other signals do not meet the warrants.

Commissioner Chapin asked about the signals at 6th and Haverhill.

Mr. Rickard stated the grant has been awarded and the specifications are done. He stated that they are negotiating on pricing with the people who do our signals. He stated that it takes a while to get the poles.

City Manager Llewellyn stated that they are going to be installed to prepare for future construction at that intersection.

Mr. Rickard thought it would be completed in the fall.

Mayor Fagg asked about the time table on Towanda Avenue.

Mr. Rickard stated that they are in the selection process for consultants and working to get utilities moved this fall.

Mayor Fagg asked if it would be done within the next year.

Mr. Rickard stated it depended on how aggressive they wanted to be with the contractor. The more aggressive they are, the higher the price could be.

City Manager Llewellyn stated that they will work as quickly as they can, and it will be dependent upon the weather. He stated that a lot of work on the base can be done in the winter time and be ready for paving by next spring or summer.

CITY MANAGER'S REPORT

Jennifer Cook, Interim Marketing Manager, stated that the City of El Dorado is one of two cities selected to move along in the application process for the Kansas Sampler Festival. She stated that they would need a strong volunteer base and a lot of businesses to help out. She stated that they are suggesting East Park and the Oil Museum for the event.

Ms. Cook stated she has met with several organizations and has support letters from them. She stated that other members of the committee have also spoken to and received support from other businesses.

Ms. Cook stated that the final application is due in August.

Commissioner Nick Badwey asked when it would take place.

Ms. Cook stated it would be the first weekend in May in 2016 and 2017.

Commissioner Chase Locke asked if East Park was large enough.

Suzie Locke, Interim Human Resources Director, stated that the Engineering department has done a mock map of the area to show that there is enough space.

Ms. Cook stated that having the museum on board is allowing for more space.

Commissioner Chapin asked if there was parking.

Ms. Cook stated that they felt there were approximately 595 parking spots available.

Ms. Locke stated that the school district will assist in bussing people to the location.

Commissioner Young stated he was in favor of continuing with the application, he felt it would be a great event for El Dorado.

Ms. Cook stated she has also been working on other marketing items including the women's fair with several downtown businesses, the El Dorado passport for the refinery turn around, and also working with Frontier Western Days.

Ms. Cook stated that they also hosted a 3 V 3 soccer tournament and an AAU track meet that brought in a lot of visitors to the city.

Ms. Locke stated the revenue generated from the 3 V 3 event was placed in the recreation account to assist with youth sports in El Dorado.

Commissioner Young stated he was excited to see people come to El Dorado because of the really great facilities available here.

City Manager Llewellyn stated these events are helping fill the hotels as well.

Ms. Locke stated that El Dorado was the only city to request the event and they are looking forward to continuing the relationship.

Commissioner Locke thanked staff for their work over the last few months with other organizations to bring these events to town.

Mayor Fagg stated that next year was 100 years of oil in El Dorado and he thought that something needed to be done to celebrate that.

Mayor Fagg stated that the Stardust Motel has offered the use of their sign for free, he suggested that staff contact them about use of the sign.

Ms. Cook also stated that there will be a city-wide garage sale on August 9th.

Commissioner Chapin stated he was happy to see all of the ideas that have been discussed over his many years on the Commission come to fruition.

Kevin Wishart, Parks and Recreation Director, stated that they are receiving more complaints about people smoking in the bleachers at youth sports events. He stated that there is currently no law that prevents them from doing so.

Mr. Wishart stated that the Parks and Recreation Advisory Board has suggested that we ban smoking at all youth sports facilities, they have requested that smoking only be allowed in the parking lots. He stated that the board has also requested that the policy apply to Mac Donald stadium as well.

Commissioner Young asked if Mac Stadium was smoke free.

Mr. Wishart stated it is specific to the group using it.

City Manager Llewellyn stated that typically the schools use it and they are smoke free. He stated if another group rents it, there is nothing preventing smoking.

Mr. Wishart stated that the request for all outdoor youth sports events is that smoking be in the parking lot only.

City Manager Llewellyn reminded the Commission that smoking is prevented at all indoor facilities.

Commissioner Young confirmed that they are not banning smoking from parks and parking lots, just the recreational facility.

Mr. Wishart stated he was correct. He stated that this will give his staff the ability to enforce the practice.

Commissioner Locke stated he felt it was a good idea.

Commissioner Bill Young moved to modify the current smoking ordinance to reflect the recommendation of the El Dorado Parks and Recreation Advisory Board.

Commissioner Chase Locke seconded the motion.

EL DORADO CITY COMMISSION MEETING

July 7, 2014

Commissioner Badwey stated he was not a fan of open air smoking bans, but he felt if it is subject to the group, it could be ok.

Mr. Wishart stated it would be for City of El Dorado youth recreation events in process. He stated if someone rents a facility, it is up to them.

Commissioner Badwey asked about adult sports.

Mr. Wishart stated that the rule will be specific to youth events.

City Manager Llewellyn confirmed it would only be City of El Dorado youth events.

Commissioners Badwey and Young stated they were in support of that.

Motion carried 5 – 0.

City Manager Llewellyn stated that staff are working on the request from the Commission regarding the vendors and the payment of sales tax.

ADJOURNMENT

Commissioner David Chapin moved to adjourn the meeting at 9:15 p.m.

Commissioner Bill Young seconded the motion.

Motion carried 5 – 0.

City Clerk Tabitha D. Sharp

Mayor Michael A. Fagg

The El Dorado City Commission met in special session on July 16, 2014 at 4:00 pm in the Commission Room with the following present: Mayor Michael Fagg (arrived at 4:10 pm) Commissioner Chase Locke, Commissioner Bill Young, Commissioner Nick Badwey, Commissioner David Chapin, City Manager Herb Llewellyn, Finance Director Tammy Schaffer, Assistant City Engineer Scott Rickard, and City Clerk Tabitha Sharp.

VISITORS

Wes Barnett	1310 S Emporia	El Dorado, KS
Linda Jolly	El Dorado Inc.	El Dorado, KS
Jen Cook	1340 Glenview Dr	El Dorado, KS
Susie Carson	201 W Central	El Dorado, KS
Suzie Locke	220 E 1 st	El Dorado, KS
Holly Ross	Main Street	El Dorado, KS
Collin Rowell	El Dorado Inc.	El Dorado, KS
David Sundgren	El Dorado Inc.	El Dorado, KS
Brad Meyer	222 E 2 nd	El Dorado, KS
Kurt Bookout	220 E 1 st	El Dorado, KS
Curt Zieman	128 N Vine	El Dorado, KS
Steve Moody	220 E 1 st	El Dorado, KS
Kevin Wishart	220 E 1 st	El Dorado, KS
Jason Hughey	220 E 1 st	El Dorado, KS
Linda Baines	253 Post Rd	El Dorado, KS
Daniel Wilson	613 Norris Dr	El Dorado, KS
David Sundgren	El Dorado Inc.	El Dorado, KS

CALL TO ORDER

Vice Mayor David Chapin called the July 16, 2014 Special City Commission meeting to order at 4:00 p.m.

ADVISORY BOARD RENEWALS AND NEW MEMBER APPLICATIONS

The City Commission reviewed the applications received for the Youth Commission and the Tree Board.

CERTIFYING THE LOCAL RETAILERS' SALES TAX

City Clerk Tabitha Sharp stated that the citizens of El Dorado voted in April of 2013 to continue the one percent sales tax which sunsets on October 1, 2014 through October 1, 2019. She stated that the State of Kansas contacted her in need of a certifying ordinance for the sales tax.

Commissioner Nick Badwey moved to approved Ordinance No. S-1337, an Ordinance certifying the local retailers' sales tax, and to direct the City Clerk to forward the Ordinance to the Kansas Department of Revenue.

Commissioner Bill Young seconded the Motion.

ROLL CALL VOTE

Position No. 2	Commissioner Bill Young	Yes
Position No. 3	Commissioner Nick Badwey	Yes
	Vice Mayor David Chapin	Yes
	Mayor Michael Fagg	Absent
Position No. 1	Commissioner Chase Locke	Yes

2015 BUDGET DISCUSSION

The City Commission discussed the proposed budget for 2015. It was agreed that questions would be sent by noon on the following Monday.

ADJOURNMENT

Commissioner Bill Young moved to adjourn the meeting at 5:38 p.m.

Commissioner Chase Locke seconded the motion.

Motion carried 5 – 0.

City Clerk Tabitha D. Sharp

Mayor Michael A. Fagg

EL DORADO CITY COMMISSION MEETING

July 21, 2014

The El Dorado City Commission met in a regular session on July 21, 2014 at 7:00 pm in the Commission Room with the following present: Mayor Michael Fagg, Commissioner Chase Locke, Commissioner Bill Young, Commissioner Nick Badwey, Commissioner David Chapin, City Manager Herb Llewellyn, City Attorney Jim Murfin, Assistant City Engineer Scott Rickard, and City Clerk Tabitha Sharp.

VISITORS

Jason Hughey	220 E 1 st	El Dorado, KS
Lyndsay Mills	1516 W 3 rd	El Dorado, KS
Diana Kohls	623 N Orchard	El Dorado, KS
Jason Reiswig	220 E 1 st	El Dorado, KS
Mike Hamlin	220 E 1 st	El Dorado, KS
Susie Carson	201 E Central	El Dorado, KS
Holly Ross	145 N Main	El Dorado, KS
Broderick Bean	145 N Main	El Dorado, KS
James Cook	719 Fredrick Dr	El Dorado, KS
Bill Kloeblen	170 Country Club Rd #2	El Dorado, KS
Kristi Jacobs	1275 S Topeka	El Dorado, KS
Nancy Wagner	1025 Rimrock Rd	El Dorado, KS
Travis Pierce	128 N Vine	El Dorado, KS

CALL TO ORDER

Mayor Michael A. Fagg called the July 21, 2014 meeting to order.

INVOCATION

Mayor Michael Fagg opened the meeting with an invocation.

PLEDGE OF ALLEGIANCE

The City Commission led the pledge of allegiance.

PERSONAL APPEARANCE

Broderick Bean, Frontier Western Celebration Chair, thanked the City Commission and City Staff for their support of the event. He reviewed the events for the celebration.

Mr. Bean also thanked the police department for their work with the celebration.

Lindsay Mills, Numana, stated that they have done over 30 million meals in the five years that Numana has been open. She invited the City Commission to an open house on August 9th that will include a lunch and packaging event. She also stated there would be a ribbon cutting on August 7th at noon.

Kristi Jacobs, Library Director, stated that the summer reading program has had 320 children, and there have been over 500 children participating in the children’s program. She stated that about 8,000 patrons came through the library in June.

Bill Kloeblen, past Library Board President, gave an update on the renovation project. He stated that the fund raising goal is just over half a million dollars. He stated that they have raised \$68,800 so far.

Mr. Kloeblen stated that there will be a direct mail campaign over the next few weeks. He stated that they are also contacting the businesses in town to assist with the process. They are also working with some foundation grants to raise additional funds.

Mr. Kloeblen stated that they hope to start phase one of the project in mid to late October.

Nancy Wagner, Library Board President, encouraged citizens to go out to the Broncos game on Wednesday to support the library. She stated on August 7th local businesses Scooters, Beyond Napa, Dilly Deli and Sweet 120 have agreed to give ten percent of their profits that day to the library.

Mayor Michael Fagg stated that this would be a good project, and he appreciated the local businesses helping the library out.

Commissioner Chase Locke agreed, he stated that he had heard it was busy there this summer.

Commissioner Bill Young stated he was excited to see each phase be completed.

Commissioner Nick Badwey stated he was excited because he goes to the library every week. He confirmed the parking lot would be expanded.

Commissioner David Chapin thanked everyone for their hard work and stated he hoped to be able to make a contribution from his business.

PUBLIC COMMENT

Mayor Michael Fagg opened the floor for public comment.

There were no comments.

CONSENT AGENDA

Approval of the City Commission minutes from July 7, 2014.

Approval of the CMB License for Frontier Western Days.

Commissioner Bill Young moved that the Consent Agenda, as presented, be approved.

Commissioner David Chapin seconded the motion.

Motion carried 5 – 0.

FEDERAL FUND EXCHANGE PROGRAM – INTERSECTION OF 6TH & HAVERHILL

Assistant City Engineer Scott Rickard stated that staff are asking the City Commission to enter into an agreement with the State of Kansas in order to get the funding for improvements at 6th and Haverhill.

Mr. Rickard stated that they have looked at a phased approach to that intersection. The first phase will be for signal work. He anticipated the work to be finished this fall.

Commissioner Bill Young confirmed that the signals will be set so that they can accommodate the future improvements.

Mr. Rickard stated that they would be.

Commissioner Young stated he has spoken to many people that work in the area and that they are excited about the improvements.

Commissioner Chase Locke asked if the signals will run on a schedule.

Mr. Rickard stated that after they review them, they will make adjustments to accommodate traffic levels. He stated that it will add to safety and traffic flow.

City Manager Herb Llewellyn stated that as a general rule, signals should remain consistent so that people anticipate the upcoming light. He stated that they will likely turn them to flashing lights around ten each night.

Commissioner Locke stated he thought it would be good to slow down the traffic.

Mr. Rickard stated that the city also received funding to put a crossing at the Union Pacific rail in the spring of 2015.

City Manager Llewellyn stated that the motivation behind this is primarily from the businesses in the Industrial Park that have asked for assistance.

Mayor Michael Fagg asked where the money was allocated and how much.

Mr. Rickard stated that the \$137,884 is the total. He stated that it is 95% of the city’s allocation. He stated that the federal highway bill estimates each state’s allotment based on population.

Mr. Rickard stated that this program is very beneficial for the city, allowing us to get the monies to complete several projects including Vine and Central and some sidewalk projects.

City Manager Llewellyn stated that this program has been in place for a few years, he stated that it is part of the agreement that the Commission agrees to annually.

Mr. Rickard stated that the request for the project has been seen and now the agreement needs to be signed.

Mayor Fagg asked if this money could be used at Arthur and Central.

Mr. Rickard stated that it could be. He stated that the city has received another grant for that project.

Mayor Fagg asked if the 6th and Haverhill intersection would have cameras.

Mr. Rickard stated it would.

City Manager Llewellyn stated that most signals in the City of El Dorado would run with cameras.

Mr. Rickard stated that they would definitely use them on a street that doesn’t have much traffic.

Commissioner Nick Badwey moved to authorize the City Manager to execute for and on behalf of the City of El Dorado, Agreement No. 438-14 between the City and the Kansas Department of Transportation.

Commissioner David Chapin seconded the motion.

Motion carried 5 – 0.

ADVISORY BOARD RENEWALS & NEW MEMBER APPOINTMENTS

City Manager Herb Llewellyn stated that these individuals were considered at the work session the week prior.

Re-appointments:

Board	Name	Term
Youth Commission	Brooke Ryan	June 30, 2014 – June 30, 2015
Youth Commission	Josh Wolf	June 30, 2014 – June 30, 2015
Youth Commission	Clarice Bolen	June 30, 2014 – June 30, 2015
Youth Commission	Megan Klein	June 30, 2014 – June 30, 2015
Youth Commission	Hannah Brock	June 30, 2014 – June 30, 2015
Youth Commission	Hannah Haury	June 30, 2014 – June 30, 2015
Youth Commission	Issac Haahr	June 30, 2014 – June 30, 2015
Youth Commission	Shawn Luehrs	June 30, 2014 – June 30, 2015
Youth Commission	Cherokee Reagan	June 30, 2014 – June 30, 2015
Youth Commission	Harley Thorton	June 30, 2014 – June 30, 2015

New Appointments:

Board	Name	Term
Airport Advisory Board	Larry Shank	May 1, 2014 – May 1, 2017
Youth Commission	Jessica Baker	June 30, 2014 – June 30, 2015
Youth Commission	Taylor Brock	June 30, 2014 – June 30, 2015
Youth Commission	Callie Carter	June 30, 2014 – June 30, 2015
Youth Commission	Abigal Edwards	June 30, 2014 – June 30, 2015
Youth Commission	Macy Gomez	June 30, 2014 – June 30, 2015
Youth Commission	Justin Jones	June 30, 2014 – June 30, 2015
Youth Commission	Lauren Lowery	June 30, 2014 – June 30, 2015
Youth Commission	Gretchen Shum	June 30, 2014 – June 30, 2015

Commissioner Chase Locke stated he was excited to see so many young people interested in the Youth Commission and looked forward to working with them over the next year.

Commissioner Bill Young moved to approve the advisory board member re-appointments and new member appointments as specified here within.

Commissioner Chase Locke seconded the motion.

Motion carried 5 – 0.

NEIGHBORHOOD REVITALIZATION PROGRAM OVERVIEW

Assistant City Engineer Scott Rickard stated the Neighborhood Revitalization Program (NRP) would sunset on December 31st of this year. He stated that they needed to discuss any possible changes so that they could move forward with the renewal if the Commission wished.

Mr. Rickard reviewed the current NRP requirements for residential and commercial properties. He stated that the current plan provides a 95% rebate on property tax of the improved portion. He stated that there is also a city-wide five year rebate put in to stimulate housing in 2011.

Mr. Rickard stated that the minimum for residential is \$5,000 and the maximum is \$175,000. Commercial properties have a minimum of \$10,000 or must be qualified by the City of El Dorado.

Mr. Rickard stated that once the property is part of the program, the tax abatement stays with that property. He stated that taxes must be paid on time in order to receive the rebate.

City Manager Herb Llewellyn stated that if property taxes are not paid on time, the County automatically takes the resident out of the program. He stated that the City can request the property be placed back in the program one time, after that, the resident is out permanently.

Mr. Rickard stated that the construction has to happen all at once.

Mr. Rickard stated that there are currently seven areas in the neighborhood revitalization zone. He stated that there used to be an ad hoc committee that assisted with developing this plan.

Mr. Rickard stated that the plan is to review the proposal in August and adopt it in September. He stated that they will then meet with each of the taxing entities to get their approval between September and November. He stated the new plan would be active January 1st.

Mayor Michael Fagg asked if they had said no in the past few years.

City Manager Llewellyn stated that they have in other jurisdictions. He stated that the program has become political in some areas and more conservative regions have rejected it.

Mr. Rickard stated he believed El Dorado's plan had been around longer than others in the County. He stated our plan is stronger because of the limits on the residential properties and the focus on the commercial properties.

Mr. Rickard stated that they have reviewed the program since 2004 when they began with 60 properties. He stated that there are currently 117 properties receiving this rebate.

Mr. Rickard showed that the appraised value of the improvements is around one and a half million dollars. He stated that there is approximately \$200,000 in rebates each year.

Mr. Rickard stated that he felt that the rebate is essential to keeping new homes being built in the city.

Mayor Fagg asked if staff tell residents about this program when they come in to request a building permit.

Mr. Rickard stated that they try and remind all applicants.

City Manager Llewellyn stated that there is a brochure on the counter for the program.

Mr. Rickard stated that advertisements run on Channel 7 and on the website.

Mayor Fagg stated that the minimum is \$10,000 for commercial, he asked what the maximum is.

City Manager Llewellyn stated he wasn't sure, it was placed in the program a few years ago.

Mr. Rickard stated that the old White and Ellis property was cleaned up as part of this program.

City Manager Llewellyn stated that our economic development policy is about filling a gap in the community, not handing out money.

Mr. Rickard stated that the majority of the economic development funds were only five year programs.

Mayor Fagg asked if there was any merit to getting others on board before this happens.

City Manager Llewellyn stated that he agreed, he would be surprised if they do not get support from each entity. He stated that the Commission should discuss it with other elected officials as they see them. He also encouraged El Dorado Inc. members to do the same.

Mayor Fagg stated he thought that there needed to be more done to increase the number of permits each year.

Mr. Rickard stated that being supportive of the developers is important.

Commissioner Young stated that the incentives out there today have helped. He stated that getting the developments open was also important so that there was space to build.

Commissioner Nick Badwey asked if the rest of the Commission would be willing to raise the limit.

Mayor Fagg stated he was open to that, he wanted to understand the market before doing so.

Commissioner Badwey stated he was in support of raising it because the new developments were going to have more valuable houses.

Commissioner David Chapin stated that he thought the reason that they limited it was so that the City of El Dorado didn't end up like the City of Andover. He stated that he was comfortable with the \$175,000 limit.

Commissioner Young stated that he didn't want to make any additional increases until they see the developments open. He stated that he thought the developments would spur growth on their own.

Commissioner Chapin stated he felt the City had reached as far as they could. He felt that they have done a great job helping developers with infrastructure.

Commissioner Young stated that in the housing committee, they have discussed the \$175,000 limit and felt that it was reasonable.

Commissioner Locke agreed with Commissioner Young. He stated that he also felt they needed to see what happens with the new lots and then make changes.

Mayor Fagg asked if there were any building permits within the existing area of town.

Mr. Rickard stated he was unsure about this year, he thought there were two duplexes last year. He stated that he felt they should focus on the infills because the infrastructure is already there and the City will make the most money off of that type of development.

Mayor Fagg suggested that they should develop an incentive for development in the infills such as paying for the demo on a blighted house.

Mr. Rickard stated that the reason for the ten year abatement was for the infills.

City Manager Llewellyn stated that the city has already been contacted by a developer who would like to purchase lots that homes have been torn down on.

Commissioner Young stated he felt that staff have been proactive in finding those homes.

City Manager Llewellyn stated that it is very reliant on public input.

Mr. Rickard asked if the Commission would like the housing committee and the other entities together to discuss the program.

Commissioners Young and Locke stated that it was a good idea.

NEW BUSINESS

Commissioner Bill Young stated that he read a post on the police department's facebook page regarding a toddler that was in danger because he kept getting out of his house. He expressed his gratitude to Officer Travis Pierce for his assistance in helping a family replace locks on their home to keep a child from getting out of their house at night when everyone was asleep.

City Manager Herb Llewellyn stated that they discuss thinking outside the box with staff all of the time. He stated that he discusses with employees during their indoctrination tours that if something needs to be done but is outside the scope of their duties, they will not be punished for doing it.

Commissioner Chase Locke stated he has seen the police department out in the community a lot lately and thought that they were doing a good job working with the citizens. He mentioned that Chief Ziemann helped a little girl who was afraid of the police dog by introducing her and her family to the police dog.

Commissioner Locke stated that he had people come up from Oklahoma last weekend who said that our community was really nice and well maintained. He stated that he appreciated staff keeping up with everything.

Commissioner David Chapin stated he received an e-mail about flood insurance. He asked if there is any way to change that flood designation.

Assistant City Engineer Scott Rickard stated that FEMA is going through a remapping of our city and staff are discussing with them re-evaluating the flood plain in that area.

Mr. Rickard stated that the problem with homes in that area is that congress changed the law regarding homes in the flood plain. He stated that those home owners have to pay the actual risk on the property. He stated that when those homes sell, it will trigger even more costs.

Mr. Rickard stated the improvements on Constant Creek were for drainage. He stated that the flood plain has to do with elevation.

Mr. Rickard stated that everything in El Dorado, with the exception of the Industrial Park, has been classified a Zone A which means it has been studied.

Mr. Rickard stated again that they are encouraging FEMA to remap those areas to help those citizens.

Commissioner Nick Badwey asked how they were doing with the dog breed ordinance.

City Clerk Tabitha Sharp stated we were waiting on responses from veterinarians.

Commissioner Badwey encouraged them to respond.

Mayor Michael Fagg stated he was also concerned about the flood plain issue. He asked if a dyke could be built to take some of the properties out of the flood plain.

City Manager Llewellyn stated that they haven't looked at that area. He stated that the area on the East side of town, a levee would cost almost ten times more than the property that would be affected is worth.

Mr. Rickard stated that El Dorado is fortunate to have so few homes in the flood plain. He stated that the cost of building a new levee is prohibitive.

City Manager Llewellyn stated that they could find out if any of our representatives voted for this and report back.

Mayor Fagg stated that the Aaron's property needs to be mowed.

Mayor Fagg asked if they were still working on the cement street intersections.

Mr. Rickard stated that they were.

Mayor Fagg stated that he attended a funeral earlier in the week and thought that the cemetery looked very nice.

Mayor Fagg asked for someone to talk to the owner about mowing the property on Main that will be a parking lot.

City Manager Llewellyn stated that the property owner is ill and that could be why it has stopped.

Commissioner Locke stated he thought that it was discussed yesterday in a meeting.

Mayor Fagg asked if the Johnson grass was discussed with the County.

City Manager Llewellyn stated that he did not remember, he would check.

Mayor Fagg asked if staff have met with Wal-Mart about the corner on West Central.

Mr. Rickard stated that he and Chief Zieman had met, but they have not talked to Wal-Mart yet.

Mayor Fagg asked for the CUSIP numbers for the investments to be sent to him.

CITY MANAGER'S REPORT

City Manager Herb Llewellyn stated that staff were here to discuss the petition received by the Commission regarding Prairie Trails.

Jason Reiswig, Golf Course Superintendent, stated that he provided costs for the work they are requesting. He stated he felt that the grass the petition was asking to be removed helps with runoff and gives the golf course some character.

Commissioner Chase Locke asked what the petition was asking.

Mr. Reiswig stated that the petitioners are requesting that staff mow down the rough areas of the golf course which is about 20 acres. He stated they also wanted to narrow the fairways and mow down the rough adjoining the fairways to half of its' present height.

Commissioner Locke stated that he has been contacted by several individuals who did not understand what the petition was about when they signed it. He stated that he thought there should be some sort of consequence for not golfing well.

Commissioner Nick Badwey asked if the advisory board has made a recommendation.

Mr. Reiswig stated that the advisory board has recommended that things do not change.

City Manager Llewellyn asked if we had narrowed the fairways.

Mr. Reiswig stated that they did not, they are about 25 yards wide.

Jason Hughey, General Manager of Prairie Trails, stated that the reason for that is the placement of the irrigation.

Mr. Reiswig stated that the golf courses he contacted were primarily around 25 yards wide.

Commissioner Badwey confirmed that if the native grass was kept at four inches and not irrigated, it would die.

Mr. Reiswig stated that it would.

Jason Hughey, Golf Course General Manager, stated that the driving range was a good example.

Mr. Reiswig stated that they have heard a lot of good comments about the course from people out of town. He stated that public play is up 12.8% over last year and member rounds are up 6.7%.

Commissioner David Chapin stated he would rather spend this money on the asphalt going into the course.

City Manager Llewellyn stated that this didn't even make the list of things that they would like to see at Prairie Trails.

Commissioner Bill Young stated that he had noticed an increase at the course and complimented the staff on their hard work. He stated he did not support this petition.

Mayor Michael Fagg also stated that it looked nice. He suggested that the committee could have an open meeting for this discussion.

Mr. Reiswig stated that several board members spoke to golfers who had signed the petition. He stated they got a lot of great feedback.

Mayor Fagg asked if they had mowed back some.

Mr. Reiswig stated that they did some. He stated that he was thankful to the Commission for providing the new mowers so that they are able to mow adequately.

Commissioner Badwey thanked staff for their hard work in getting the numbers up.

City Manager Llewellyn stated that Kurt Bookout was here to discuss the wind turbine.

Kurt Bookout, Public Utilities Director, stated that they passed the one millionth kilowatt hours produced mark.

Mr. Bookout stated that since the cone bearing repair, they have produced 291,064 kilowatt hours. He stated that they are averaging 143,000 kilowatt hours per month.

Mr. Bookout stated that as part of the repair they did some precision alignments and some other repairs that were consistent with what we wanted, but did not receive.

Mr. Bookout stated that the total costs were \$2.3 million, grants were \$1.3 million and city-at-large costs were \$1 million. He stated that since production started expenses are around \$354,000 and income is \$298,000. He stated at this rate of production, they are gaining about \$12,000 per month.

Mr. Bookout stated that they have had to spend about \$143,000 out of this year's budget for repairs, and thought that with the repairs, they will be able to reach the projected payoff.

Commissioner Badwey confirmed that it would be back in the black with the repairs in about four months.

Mr. Bookout stated he was correct, and he thought they were about 6 to 7 years from payoff for the whole project. He stated that they are continuing to pursue the engineer that brought the wind turbine to us to hopefully recoup some of those expenses. He stated that they are also working with Westar on net metering to increase revenues.

Mayor Fagg stated he would like to see it as an agenda item.

City Manager Llewellyn stated he did not make it an agenda item, it was just a response to the questions from other Commissioners.

Mr. Bookout stated that he would be happy to answer any questions if the Mayor would send them to him.

Mayor Fagg asked what the difference between two and three blades was.

Mr. Bookout stated that there are pros and cons to the two blade wind turbine. He stated that three blade turbines have fewer vibration issues. He stated that the advantage to the two blade is lower capital costs.

City Manager Llewellyn stated that staff wanted a larger turbine, he stated that this was the only turbine that met the grant and Westar's requirements.

Mayor Fagg confirmed that the size of the turbine was what Westar wanted.

Mr. Bookout stated that they actually wanted a smaller turbine because they do not want us to produce a lot of energy.

Mayor Fagg asked if there was a meter at the plant that the City pays for.

Mr. Bookout stated there was. He stated it was a bidirectional meter that measures how much power we use and how much we make.

Mayor Fagg asked when this was built.

Mr. Bookout stated that it originally started in October of 2012 and shortly after there was a failure that was not fixed until April. He stated after that there was a lightning strike in June and we were out for another few months.

Mayor Fagg asked how much was sold to Westar in 2013.

Mr. Bookout stated that he would have to look. He stated that it wasn't much due to the mechanical issues.

Mr. Bookout stated that since the precision balancing, they have experienced only a few problems and the turbine is producing much more.

Mayor Fagg asked if we sell to Westar for the same as what we pay them.

Mr. Bookout stated that they do not. He stated that true net metering is an even exchange, and we get less than half of what we pay.

City Manager Llewellyn stated that there is a disagreement in how the contract reads, and that is what they are looking at.

Mayor Fagg asked if the firm charges to monitor the turbine.

Mr. Bookout stated that they charge per visit. He was not sure what the insurance costs were.

Mayor Fagg asked if the million dollars includes the forgivable loan.

Mr. Bookout stated that it does. He stated that the KDHE forgivable loan was part of the \$1.3 million in grants. He stated that there is about \$1 million in city money involved in the project.

Mayor Fagg asked what they had to do to have the loan forgiven.

Mr. Bookout stated that it had already been done.

EXECUTIVE SESSION

Commissioner Bill Young moved to recess into an Executive Session for the purpose of discussing legal matters, and to reconvene the regularly scheduled meeting in the City Commission room at 9:05 p.m.

Commissioner Nick Badwey seconded the motion.

Motion carried 4 – 1 (Mayor Fagg opposed).

Mayor Michael Fagg called the meeting back to order at 9:09 p.m.

ADJOURNMENT

Commissioner Nick Badwey moved to adjourn the meeting at 9:10 p.m.

Commissioner Bill Young seconded the motion.

Motion carried 5 – 0.

City Clerk Tabitha D. Sharp

Mayor Michael A. Fagg

EL DORADO CITY COMMISSION MEETING

August 4, 2014

The El Dorado City Commission met in a regular session on August 4, 2014 at 7:00 pm in the Commission Room with the following present: Mayor Michael Fagg, Commissioner Chase Locke, Commissioner Bill Young, Commissioner Nick Badwey, Commissioner David Chapin, City Manager Herb Llewellyn, City Attorney Jim Murfin, Assistant City Engineer Scott Rickard, and City Clerk Tabitha Sharp.

VISITORS

Julie Clements	El Dorado Times	El Dorado, KS
Diana Riddle	417 N Emporia	El Dorado, KS
Tom and Kellie Elliott	201 S Summit	El Dorado, KS
Sheila Garrison	3240 SE Sage Rd	El Dorado, KS
Steve Fellers	2034 Chelsea Dr	El Dorado, KS
Robbie Pollard	2002 Chelsea Dr	El Dorado, KS
Chris Barth	924 W 1 st	El Dorado, KS
Janell Jessup	1514 Edgemoor	El Dorado, KS
Gerald Wittenberg	515 Linda Ln	El Dorado, KS
John Scribner	4386 NE Ellis Rd	El Dorado, KS
Tony Grunder	825 Rim Rock Rd	El Dorado, KS
Melissa & Jerilee Wilson	1027 Osage	El Dorado, KS
Laura Blankenship	1608 W 2 nd	El Dorado, KS
Darrell Calkin	330 Meadow	El Dorado, KS
Jonathan Zachary	211 S Denver	El Dorado, KS
Becki Terry	215 S Denver	El Dorado, KS
Holly Ross	Main Street Inc	El Dorado, KS
Kathy Daily	4481 SE Ellis	El Dorado, KS
Jamie Turner	300 S Main Apt 35	El Dorado, KS
Dr Davy Harkins	El Dorado Animal Clinic	El Dorado, KS
Nancy Green	1013 S Topeka	El Dorado, KS
Lily Wu	KAKE News	Wichita, KS
Kara Knight	730 NW 34 th St	El Dorado, KS
Megan Watts	200 E 2 nd	Newton, KS
Vicki McKain	9880 SE 30 th	Rosalia, KS
Linda Clark	1112 Rim Rock Rd	El Dorado, KS
James Cook	719 Fredrick Dr	El Dorado, KS
Diane Reedy	921 N Taylor	El Dorado, KS
Merrill Hodgden	634 ½ N Emporia	El Dorado, KS
Devon Fasbinder	KWCH News	Wichita, KS
Cassie Thomas	KWCH News	Wichita, KS

CALL TO ORDER

Mayor Michael A. Fagg called the August 4, 2014 meeting to order.

INVOCATION

Pastor John Harms, First Southern Baptist Church, opened the meeting with an invocation.

PLEDGE OF ALLEGIANCE

Police Chief Zieman led the pledge of allegiance.

PUBLIC COMMENT

Mayor Michael Fagg opened the floor for public comment.

There were no comments.

CONSENT AGENDA

Approval of the Special City Commission minutes from July 16, 2014 and City Commission minutes from July 21, 2014.

Approval of Appropriation Ordinance 07-14 in the amount of \$1,904,706.07.

Commissioner Bill Young moved that the Consent Agenda, as presented, be approved.

Commissioner David Chapin seconded the motion.

Mayor Michael Fagg asked if he could have the beginning of the report.

Motion carried 5 – 0.

SMOKING AT YOUTH RECREATIONAL FACILITIES

Parks and Recreation Director Kevin Wishart stated that as the City Commission had previously heard, the Recreation Advisory Board has suggested that the City ban smoking from City sponsored youth recreation events. He stated that these facilities would include East Park, Central Park, McDonald Stadium, and Walnut River Sports complex. He stated that he has only received a few comments on the subject, and they were all in favor of the ordinance. He reiterated that they are not prohibiting smoking, just asking that it be moved to the parking lots.

Commissioner Chase Locke stated that he has heard from some individuals with both good and bad comments. He stated that he thought it would be a good change for youth events.

Commissioner Nick Badwey clarified that the ordinance was for youth events only.

Mr. Wishart stated he was correct, only events sponsored by the City of El Dorado for youth.

Commissioner Badwey asked if there was an adult softball league.

Mr. Wishart stated that there was an adult league at the Walnut River Complex, it would not be affected by this ordinance.

Commissioner Bill Young stated that he spends a lot of time at youth sports events coaching and while he has heard from some people who aren't excited about the change, they understand that it is only for youth events. He thanked the Advisory Board for their work on this topic.

Mayor Michael Fagg asked what the procedure would be to prevent smoking at these events.

Mr. Wishart stated that the site supervisor will ask them to move to the parking lot. He stated that most of the time that people do as the supervisor asks. He stated that the ordinance will give them something to stand behind the request.

Commissioner David Chapin stated he thought they were on the right track.

Commissioner Chase Locke moved to approve Ordinance No. G-1178, an ordinance amending the City of El Dorado, KS Municipal Code as it pertains to smoking at youth recreational events.

Commissioner Bill Young seconded the motion.

ROLL CALL VOTE

Position No. 4	Commissioner David Chapin	Yes
	Mayor Michael Fagg	Yes
Position No. 1	Commissioner Chase Locke	Yes
Position No. 2	Commissioner Bill Young	Yes
Position No. 3	Commissioner Nick Badwey	Yes

DANGEROUS ANIMAL ORDINANCE

City Manager Herb Llewellyn stated that someone from the Kansas Humane Society came to a work session to suggest changes to the current municipal code regarding dangerous animals.

Brad Meyer, Director of Public Works, stated that this ordinance is a reflection of the ordinances discussed by the City Commission with the Humane Society representative. The Ordinance was developed and sent to local veterinarians. He stated that they received one response.

Mr. Meyer provided an overview of the ordinance, stating that it could include: mandatory registration, micro-chipping, muzzles, sterilization, signage and leash requirements. He stated that they also included a list of dogs that could be considered dangerous.

Commissioner Chase Locke clarified that the list was an example of animals that have the potential to cause more damage because of their size.

Mr. Meyer stated that the City of Manhattan chose to include those breeds in their ordinance. He stated that smaller dogs have less ability to knock a person over, while a larger dog can take down an adult. He stated that the amount of damage a smaller dog can do before the person can get away is less than the time it takes to get away from a larger dog.

Commissioner David Chapin asked if the dogs on the list would be labeled dangerous after passing this ordinance, or if they would have to earn the description.

Mr. Meyer stated that if the City Commission chose to go with a list, than that would be the case. He stated that if breeds were unidentified, then each dog would start with a clean record and the Commission would need to decide how many offenses would constitute a dangerous animal.

Mr. Meyer stated that they would need to consider the situation before determining how to assign the offenses.

Commissioner Chapin asked how the breed is determined.

Mr. Meyer stated that the City relies on the designation of the veterinarian.

Commissioner Chapin stated he was concerned about punishing those owners who are good to their animals. He stated he also felt it was important to manage those animals who are aggressive and pose a danger to the citizens.

Commissioner Locke stated he was not supportive of the list. He stated he was appreciative of the work that staff have done. He also clarified to the public that they were looking at many items and nothing was set at this time.

Commissioner Bill Young stated that staff have done what the Commission asked regarding the dangerous animal ordinance. He felt that now the City Commission could do more research to decide how to move forward.

Mr. Meyer stated that the list provided is only one community's way of looking at it.

Commissioner Chapin stated that he felt that working from this very strict example, they would be able to work back from there.

Commissioner Nick Badwey stated he felt that the information provided was very comprehensive and that they would be able to get something from there.

Commissioner Locke asked if there is currently a requirement for fencing for those animals that are considered dangerous.

Mr. Meyer stated that there is a section of our ordinance that is devoted to how dangerous animals should be kept. He stated if those things are already in place and the animal is declared dangerous, they still have to get rid of the animal according to our current ordinance.

Mr. Meyer stated that a responsible pet owner understands the difference between an accident and an animal is provoked or something is wrong with the animal. He stated that these owners follow our code and are able to keep the animals and people safe.

Mayor Michael Fagg asked if there were reports on the number of bites over the last few years.

Mr. Meyer stated that last year there were four; two pit bulls and two huskies. He stated that in 2012 there was one Rottweiler bite and three Pit Bull bites. During 2011 there was one Rottweiler and in 2010 there were none, in 2009 there was a Pit Bull, Rottweiler, Akita and Shepard.

Mr. Meyer stated that it will help to be able to license and know where the animals are.

Mayor Fagg asked how many dog licenses there were.

Mr. Meyer stated that there were 1,600 licenses sold in 2013; he did not know how many of those licenses were for dogs. He stated that the animal control officer has had an active role in ensuring that more animals are licensed each year.

Kathy Daily, 4481 SE Dulles Rd, stated that she had an issue with the breed list. She stated that breed identification is extremely difficult. She stated that she would like to see a dangerous dog ordinance that is not breed specific. She stated that she felt the Wichita ordinance was a good ordinance to follow.

Commissioner Chapin asked if the veterinarian can tell if an animal is dangerous.

Ms. Daily stated that she could, but often the animals are on edge because they are at the veterinarian's office.

Mayor Fagg asked how she would decide what a dangerous animal was.

Ms. Daly stated that it is a case by case decision. She stated that they have to determine if the dog has been provoked and if the animal is not on its property.

Jamie Turner, 300 S Main, stated she was concerned about the five day waiting period, but found that it was a typo and the ten day policy would remain. She stated that she was also concerned about the breed list. She stated that listing specific breeds would not cultivate responsible dog owners. She also stated that these owners will not bring their animals in to the clinic.

Ms. Turner requested that guidelines be put in place to determine what constitutes an attack on a domestic animal.

Chris Barth, 924 W 1st, stated that she has a terrier and a Doberman. She stated that she has invested a lot of time and money in making sure that her Doberman is a good dog. She stated that the important issue is to promote responsible dog ownership. She asked the City Commission to reconsider the breed specific ordinance.

Tom Elliott, 201 S Summit, stated he has a German Shepard. He stated that he felt education was important, not punishment after an incident. He was also concerned about being able to insure his home if this ordinance was passed.

Steve Fellers, 2034 Chelsea Dr, stated he appreciated the responsible owners. He stated that unfortunately there are many irresponsible owners and thus an ordinance is needed. He stated he felt that they needed to focus on dogs that do bite.

Dr. Davy Harkins, El Dorado Animal Clinic, stated he has pushed before for a vicious dog ordinance with previous Commissioners. He stated that the breed specific portion should be eliminated and that the part on pit bulls should be kept.

Darrell Calkin, 330 Meadow Rd, stated that he felt the breed specific list was discriminatory.

Jonathan Zachary, 211 S Denver, stated that he is against the breed specific portion of the policy.

Commissioner Young stated that he would like to thank the dog owners that have come out tonight. He stated that he would like to reiterate that this is a draft. He also thanked the local veterinarians for their input.

Commissioner Locke stated that he agreed with Commissioner Young's comments. He stated that he received several comments regarding the ordinance. He stated that he was against the list as well and thought it should be taken off the ordinance. He also stated that he wanted to make sure they took all of the steps necessary to keep people safe.

Commissioner Badwey stated that the common denominator was that people were against the breed list and asked to see a show of hands of those who were against that list. The Majority of the room raised their hands.

Commissioner Chapin stated he echoed the other Commissioner's comments. He asked that citizens who have ideas on items that could be added to e-mail those comments to the Commission.

Becky Terry, 215 S Denver, owns one of the dogs on the list. She stated she was against the breed specific portion of the ordinance.

Kara Knight, 730 NW 34th St, stated this Ordinance would affect rescues because they cannot find homes for the animals that get brought in. She felt that the breed list should be taken out of the Ordinance.

Merrill Hodgden, 634 ½ N Emporia, stated he felt the breed list should be taken out of the Ordinance.

Mayor Fagg thanked the citizens for their comments. He stated that the Commission wanted to do the right thing for the citizens.

Commissioner Chapin asked if the Commission wanted to give staff direction.

Commissioner Locke stated he had notes he would like to send to staff.

Commissioner Young stated that staff now have the opportunity to do revisions.

City Manager Llewellyn stated that if the Commission would send their lists, they would include those.

Mr. Meyer stated if the Commission and the citizens would send information to staff, they would revise the ordinance and bring it back to the Commission.

Commissioner Young thanked the citizens who came out to discuss the issue

Commissioner Chapin stated he did not want to penalize the good dog owners.

Ms. Daily asked who the director of the humane society was.

Mr. Meyer stated it was the Kansas State Director of the Humane Society.

TRANSIENT VENDOR PERMIT DISCUSSION

City Clerk Tabitha Sharp stated that as the City Commission requested, staff have been looking at the policy regarding transient vendors in the City of El Dorado. She stated that information was provided on what other cities charge for their transient vendor fees.

Ms. Sharp stated that the directors of Main Street, the Chamber of Commerce and El Dorado Inc. were present to discuss the topic as well.

Linda Jolly, El Dorado Inc., stated that she was concerned about vendors competing with our local businesses. She stated that it is challenging to find out if these vendors are paying sales tax, and if they have a vendor permit. She stated that these vendors are better fit in a local farmer's market area where they can be tracked.

Ms. Jolly stated that the Commission needed to consider the impact that these vendors have on local business.

Holly Ross, El Dorado Main Street, stated that she is concerned with vendors having proper licensing to sell in the City. She stated that over the Frontier Western Celebration weekend, a vendor set up in the parking lot across the street from the event trying to get business from the festival attendees. This vendor did not have a license and the police came by to shut it down. She stated that she appreciated the prompt response.

Susie Carson, Chamber of Commerce, agreed that we should look at sales tax collections. She felt that we should limit the placement of these vendors to one area instead of all over town. She stated that local vendors should have the option to compete.

Commissioner Bill Young stated that he has spoken to several businesses downtown. He stated that these businesses have overhead expenses and we are creating an environment that allows vendors to come in with no expenses and sell the same items.

Holly stated that she did not want to limit the events.

Commissioner Young stated he felt that event driven activities are completely separate, he was mainly concerned with the vendors here on other days.

Commissioner Chase Locke stated that he agreed with the majority of what Commissioner Young said. He stated that he felt that it does not always look nice when those vendors are here.

Ms. Jolly stated that a few weeks prior, there were more vendors on Central than permits out. She stated that her concern is that they are not paying sales tax because we do not know they are out.

Ms. Jolly stated that they should also consider traffic control and zoning when a vendor requests a permit.

Commissioner David Chapin stated he would like to consider the property owner that is making money from the transient vendors. He also wanted to consider the citizens who are purchasing from these vendors. He stated that even the vendors who set up within the festivals are taking money from local businesses. He was concerned with where they could draw the line.

Commissioner Locke stated he made a good point because the festivals are taking money from local businesses as well.

Ms. Carson stated that some of the vendors are a benefit to local business because they bring in business. She stated that there are different issues: should they raise the price and should they designate a certain area for sales.

Commissioner Locke asked if there were rules on where a vendor could set up and how it had to look.

Ms. Sharp stated that there are no restrictions at this time. She stated that staff have questions regarding the following items: fee structure, differing fees for locals versus outside of town, time limits, sign regulations, tent and trailer sizes, permission from land owners, and sales tax payments, conditions for revoking permits and differences between door-to-door permits versus transient vendor stands.

Commissioner Locke asked if the list could be sent to the City Commission for their comments.

Ms. Sharp stated that it could.

Commissioner Chapin asked if the ice cream salesman is a door-to-door vendor.

Ms. Sharp stated he is considered a transient vendor and has a current license. She also stated that the licenses for door-to-door vendors and transient vendors were currently the same.

Commissioner Chapin asked how common the door-to-door permits were.

Mayor Michael Fagg stated that he had a few by his house.

Ms. Sharp stated that there was a vendor out over the weekend without a permit going door-to-door.

Commissioner Chapin stated he didn't know that the door-to-door permits were an issue.

Ms. Sharp stated that the City receives several complaints regarding door-to-door solicitors. She stated that they have denied a few permits because of their background checks and that Police Chief Curt Ziemann could discuss that further.

Police Chief Ziemann stated that the door-to-door sales people are more problematic for the police department than the transient vendor stands. He stated that all applications are background checked through the local system and businesses are checked through the Better Business Bureau.

Police Chief Ziemann stated he was concerned that our ordinance is brief and does not provide the ability for something to be done about vendors who do not follow procedures. He stated that he would like something that has a little more structure so that they may enforce rules.

Commissioner Chapin stated he felt that the door-to-door vendors were probably more of a hassle for citizens than the vendor stands.

Commissioner Locke stated that he would like a little more time to consider the questions provided.

Mayor Michael Fagg stated he felt that the City was charging enough. He stated he would like to see if they can be more proactive with sales tax payments.

Mayor Fagg stated he was supportive of people being able to sell things in the City.

Commissioner Chapin asked staff to research the ability to charge a percentage for sales tax.

ADOPTION OF THE SOUTH-CENTRAL KANSAS (REGION G) MULTI-HAZARD, MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

Fire Chief Steve Moody stated that in order to qualify for federal grants, there must be a hazard mitigation plan adopted by the City. He stated that the County's emergency management department was able to develop a plan for the entire County. He stated that the plan is available on the County's website.

Commissioner David Chapin asked how much it costs.

City Manager Herb Llewellyn stated that it did not cost us anything. It was funded and developed by the State of Kansas. He stated that if it is not approved and a natural disaster happens, we would not receive FEMA monies.

Mayor Michael Fagg asked if Chief Moody had read the plan.

Chief Moody stated he did not read the whole plan. He stated that he participated in the County's group and in others throughout his career; therefore he was familiar with the topic.

Mayor Fagg asked if anyone else had read it.

City Manager Llewellyn stated he read several hundred pages, he did not read the whole thing.

Mayor Fagg stated he was concerned that we did not know everything in the plan because there could be something hidden somewhere in the document. He stated that we could miss out on something that other cities who have more resources will be able to get.

City Manager Llewellyn clarified that this is just a mitigation plan. It looks at potential hazards and how we deal with them. He stated that this document is not specific to our City.

Commissioner Nick Badwey moved to approve Resolution 2739, a resolution adopting the South-Central Kansas (Region G) Multi-Hazard, Multi-Jurisdictional Hazard Mitigation Plan

Commissioner David Chapin seconded the motion.

Motion carried 5 – 0.

RECEIVE THE PETITION ON PROJECT NO. 454 – SANITARY SEWER EXTENSION TO SERVE 605 & 705 HAVERHILL RD.

Scott Rickard, Assistant City Engineer, stated that the property owners at 605 and 705 Haverhill Rd have requested that the City extend sewer services to those properties currently served by a septic tank.

Mayor Michael Fagg asked who owned the property.

Mr. Rickard stated that one property was owned by the Adelsberger's and one by a trust.

Mayor Fagg asked if it was in the city limits.

Mr. Rickard stated that it was. He stated that until the stadium project, there was not a feasible way to serve those property owners. He stated that with the extension to the stadium, they are better able to serve these properties.

Mayor Fagg clarified that the property owners will pay one hundred percent of the cost.

Mr. Rickard stated that they will.

Mayor Fagg asked if the petition was standard, and if they could see a copy.

Mr. Rickard stated that the petition is drafted by our bond counsel and they could include them if the Commission desired.

Commissioner Bill Young moved that Resolution No. 2740, a resolution determining the advisability of the making of certain internal improvements in the city of El Dorado, Kansas; making certain findings with respect thereto; and authorizing and providing for the making of the improvements in accordance with such findings (sanitary sewer extension improvements/project no. 454).

Commissioner Chase Locke seconded the motion.

Motion carried 5 – 0.

PROJECT NO. 452 – 2014 SALES TAX RESURFACING

Assistant City Engineer Scott Rickard stated that this is the sales tax resurfacing project for Broadview (Rado to 6th), State (Rado to 6th), Rado (Broadview to State), Hillcrest (2nd to 3rd), 3rd (Broadview to Oil Hill), State (Central to Rado) and Broadview Court.

Mr. Rickard stated that the Engineer's estimate was \$312,488.39. He stated that the low bid was from APAC Kansas for \$280,013.85. He stated another bid was received from Cornejo and Sons for \$329,786.87. He stated that staff are asking that the Commission award the contract to APAC Kansas in order to proceed with the improvements.

Commissioner David Chapin moved that as APAC-Kansas has submitted the lowest and best bid for Project No. 452 of \$280,013.85 and was under the Engineer's Estimate, the City Manager be directed to award the contract to said contractor providing that the company furnish the proper bonds.

Commissioner Nick Badwey seconded the motion.

Mayor Fagg asked if there will be more projects.

Mr. Rickard stated that the 600 block of Summit, Cave Springs and Atchison will also be coming up.

Motion carried 5 – 0.

COURT CHANGES

Police Chief Zieman stated that the City of El Dorado has the lowest court cost in the area. He stated that the average cost in our area is \$70. He stated that costs associated with court continue to rise, including technology and prisoner care. The current costs of \$26 is spread to the State of Kansas per statute and to the special tax distributed to organizations in El Dorado. The increase would allow revenues for the court to combat increasing expenses.

Mayor Michael Fagg asked if the whole \$26 goes to the State.

Police Chief Zieman stated that the \$5.50 is kept at the City for the special funds per Ordinance.

Police Chief Zieman stated the other changes included moving the court date officially to Mondays at one p.m. and appointment of the Court Clerk by the City Manager as opposed to the judge.

City Clerk Tabitha Sharp stated that court staff have also requested that charges be added for continuance and suspensions. These charges would be \$10 each.

Police Chief Zieman stated that those charges will cover the costs for extra paperwork that has to be done by the staff.

Commissioner Bill Young asked what the range of court costs was.

Police Chief Zieman stated that it ranged from \$25 to \$93.50.

Commissioner Nick Badwey stated that \$70 did not sound like a lot compared to others.

Commissioner David Chapin moved to approve Ordinance G-1179, and ordinance amending the municipal code, Section 2, regarding the Municipal Court.

Commissioner Bill Young seconded the motion.

Commissioner Young stated he felt this was a good opportunity to help out the court staff.

Commissioner Chase Locke asked how long the current fee had been in place.

City Manager Herb Llewellyn stated that the \$5.50 charge was put in a few years ago because of a growing need in local organizations and because the State changed how liquor funds could be distributed.

Police Chief Zieman stated that the State funds have been in place for many years. They increase from \$19.50 to \$20.50 around three or four years ago.

Mayor Fagg asked if the new revenue was included in the budget.

Police Chief Zieman stated it was.

Mayor Fagg stated that he felt they should not give away the \$5.50 anymore if expenses were up.

Police Chief Zieman stated that the new revenue will help cover the increased expenses.

City Attorney Jim Murfin stated that there are real needs in the court system that will be helped by this new revenue.

Mayor Fagg stated that he felt that the new revenues needed to cover expenses already incurred in the department, not new items.

City Manager Llewellyn stated that it is difficult to discuss revenues in relation to the court and police departments. He stated that they do not encourage police officers to write tickets, they give them only to people who earn them. He stated that the police department is the actual money loser in the situation; the Court would be self-sufficient without the expense of the other department.

Mayor Fagg stated he was concerned about spending additional money.

City Manager Llewellyn stated that this increase will shift those costs to the customer instead of to the people who do not use their services.

ROLL CALL VOTE

	Mayor Michael Fagg	Yes
Position No. 1	Commissioner Chase Locke	Yes
Position No. 2	Commissioner Bill Young	Yes
Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner David Chapin	Yes

TRUCKS OFF ROUTE

Police Chief Curt Zieman stated that in order for the judge to set the off route fine to more than \$100, the municipal code needs to be amended to increase the allowable fine. He stated that the judge is prepared to double the current fine and possibly include court costs.

Mayor Michael Fagg asked what the fine is based on.

Police Chief Zieman stated that it would be a set fine. He stated that if they contest the charge and are found guilty, they could be charged more.

City Attorney Jim Murfin stated that typically there is a schedule of fines and by changing this ordinance, the judge can change that schedule without returning to the Commission.

City Manager Herb Llewellyn reiterated that the judge has discretion on the fines depending upon the charge.

Police Chief Zieman stated he felt that the word would get out amongst the truckers that fines are increased and it will help temper the problem.

Commissioner David Chapin asked what other cities charge.

Police Chief Zieman stated that he was not sure because not all cities have truck routes. He stated he could look it up.

Commissioner Nick Badwey moved to approve Ordinance No. G-1180, and ordinance amending the City of El Dorado, KS Municipal Code as it relates to local traffic regulation penalties.

Commissioner Bill Young seconded the motion.

Mayor Michael Fagg stated he was concerned about the cost for truckers.

Police Chief Zieman stated that they have to follow the signs just like other drivers. He stated that he felt the signage was better now than it has ever been.

Mayor Fagg asked how many tickets had been written for off route this year.

Police Chief Zieman stated he would have to look that up.

ROLL CALL VOTE

Position No. 1	Commissioner Chase Locke	Yes
Position No. 2	Commissioner Bill Young	Yes
Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner David Chapin	Yes
	Mayor Michael Fagg	Yes

Commissioner Chapin stated he was concerned about trucks being pulled over in front of businesses and streets.

Police Chief Zieman stated that they cannot control where an individual stops. He stated that he asks his officers to move the truck elsewhere when the stop is going to take awhile.

TEMPORARY LIQUOR PERMIT

City Clerk Tabitha Sharp stated that the State of Kansas passed a statute allowing temporary liquor permits last year. The City of El Dorado already has an ordinance allowing temporary CMB's, and this would mirror that for liquor. She stated that the fee will be \$25 and is passed directly to the State of Kansas. Permits must be requested 21 days in advance in order for the permit to be approved by the City Commission.

Ms. Sharp stated that the applicant will be required to provide information regarding the responsible party, event date, time, and a special event form if required. She stated that notification to the State will be done by the group requesting the permit.

Mayor Michael Fagg asked if we are allowed to charge more than the \$25.

City Manager Herb Llewellyn stated that we are not allowed to increase these fees.

Ms. Sharp stated that this will allow events like the beer garden/wine tasting and also will allow businesses to have events outside of their physical premises.

Mayor Fagg stated he felt that we should get more than the State’s \$25 because we have to do work for the permit.

Ms. Sharp stated that there is very little work required for this permit, it is only a matter of filling out the certificate.

Commissioner Bill Young moved to approve Ordinance No. G-1181, an ordinance relating to the sale of liquor on a temporary premise.

Commissioner Chase Locke seconded the motion.

Commissioner Locke stated that he felt it would be good for the downtown area.

ROLL CALL VOTE

Position No. 2	Commissioner Bill Young	Yes
Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner David Chapin	Yes
	Mayor Michael Fagg	Yes
Position No.1	Commissioner Chase Locke	Yes

NEW BUSINESS

Commissioner Bill Young stated that there was a good turn-out for the Frontier Western Celebration. He stated that he was happy to see the community out at these events. He also congratulated Allison McKibban on her win at the pageant.

Commissioner Chase Locke commended the other organizations for working with Main Street to expand the event.

Commissioner Young stated that the businesses downtown were very complimentary of the CVB staff.

Commissioner Nick Badwey asked if the mosquito sprayer was going around.

City Manager Herb Llewellyn stated that it was.

Commissioner David Chapin echoed the comments on Frontier Western Celebration.

Mayor Michael Fagg stated that he has received complaints regarding Olive.

Scott Rickard, Assistant City Engineer, stated that it was in the CIP to be repaired, he thought that something might need to be done next year. He stated that they are seeing a lot of deterioration of the asphalt.

Mayor Fagg stated that we needed to fix pot holes there in the meantime.

Mayor Fagg asked if there would be another meeting on the budget.

City Manager Llewellyn stated he did not believe so, it was published today.

Commissioner Locke stated he was under the understanding that e-mails were supposed to be sent before the last meeting.

Mayor Fagg stated that he felt they needed to discuss the increase in expenses as a public meeting.

City Manager Llewellyn stated that they have had meetings to discuss those items.

Mayor Fagg stated that they had presentations; he asked if there were discussions.

City Manager Llewellyn stated that they were discussions.

Mayor Fagg asked what changes were made. He stated that they had just received the document at the last meeting.

Commissioner David Chapin asked if the Mayor wanted to lower the mill levy.

Mayor Fagg stated he did not. He wanted to understand the expenses.

Commissioner Chapin stated that the Mayor missed two meetings and was late to two.

Mayor Fagg asked what he missed because there was nothing in the minutes.

City Clerk Tabitha Sharp stated that she could provide the DVD for each of the meetings he missed. She stated that the first meeting he missed was an hour and forty minutes long, and the Commission discussed with each department head their proposed budget and the changes that were made if any. She stated that the second meeting was on outside agencies during which the Commission discussed that they would like to see those agencies work together and the changes they would like to see in the budgets next year.

Mayor Fagg asked if there were changes to the budget other than the Broncos' increase.

Ms. Sharp stated that there were no changes to the outside agencies other than the Broncos. She stated that they stated there would probably be changes to those budgets next year according to the Commission. She stated that changes had been made in the budgets between the first draft that was sent out in April or May and the work session.

Mayor Fagg stated that those were presentations and he had attended three or four of them. He stated it was difficult for him to be off work to be here at four. He felt there needed to be a discussion.

Ms. Sharp stated that he only attended two of them.

Mayor Fagg stated that he will be voting no because he felt he had not had an adequate discussion with the Commission.

Commissioner Locke stated that he felt the Mayor should have said something months ago instead of now when the budget is due. He stated that the schedule was provided in December 2013.

Mayor Fagg asked if the City Manager could explain where the increases will come from.

Commissioner Badwey stated that they had already had that discussion.

City Manager Llewellyn stated that they would do it by managing revenue.

Mayor Fagg stated that he had stated at a previous meeting the City Manager said that they would be spending reserves.

City Manager Llewellyn stated that he did not say that. He stated that just because there is money in the checking account does not mean that it will be spent.

Mayor Fagg stated that the budget holds us accountable for spending.

City Manager Llewellyn asked how many times that the City has bounced a check.

Mayor Fagg stated that they didn't because the budget was so high.

City Manager Llewellyn asked who passed the budget.

Commissioner Badwey stated that the City Commission passes the budget. He stated that if the Mayor does not like the process, he ask to change it.

Mayor Fagg asked if they would spend down reserves.

City Manager Llewellyn stated that they would not because that it was happened the last time the Mayor was on the Commission and the City was left without reserves.

Mayor Fagg asked why he had to budget the extra expense then.

City Manager Llewellyn explained it was because they did not know who would be hired or fired over the year.

Commissioner Badwey stated that they had to plan for family insurance for every position and other benefits for every position even if it wasn't filled. He stated that because of this, there is extra money budgeted that is not used each year.

Commissioner Locke stated that he works under a board of directors that issues a similar budget. He stated that they have to plan for the worst and manage their budget.

Mayor Fagg stated he felt there should be more discussion. He stated he wanted to ask his questions.

Commissioner Locke stated that he agreed in the last work session that those questions would be e-mailed to staff by the following Monday in order for them to answer adequately. He stated that he should have said something on that Monday about needing more time.

Mayor Fagg stated he only had five days to look at the budget.

City Manager Llewellyn stated that he has had the budget since at least May.

Mayor Fagg asked if the document matches what was in the paper.

City Manager Llewellyn stated that the budget is in a different form in the paper.

Mayor Fagg stated he wanted to see the whole form.

Ms. Sharp stated that the Commission will receive the budget and the State form before the next meeting like they do every year.

Mayor Fagg stated he did not think they get it every year.

City Manager Llewellyn stated that the form comes from a lot of different information.

Ms. Sharp stated that there are several spreadsheets that make up the one sheet the paper gets and that those spreadsheets are developed from the packet that the Commission has already.

Mayor Fagg asked if they knew the total expenditures for 2015.

Commissioner Young stated that if he would have sent the request prior to the meeting as he has been asked, staff would have brought that information to the meeting.

City Manager Llewellyn stated that he only had to add the information in the packet up if he wanted to see it.

Mayor Fagg stated he is asking for the one page that goes to the paper.

Commissioner Young reiterated that staff said the Commission will receive all of that information.

Mayor Fagg asked if staff could explain the expenditure for unrealized gains and losses.

Commissioner Nick Badwey moved to terminate the budget discussion.

Commissioner David Chapin seconded the motion.

Mayor Fagg stated he is asking a question.

Commissioner Young stated that if he wanted real answers to these questions, he would request the answers prior to the meeting so that staff are not blind sighted and can give an actual answer.

Mayor Fagg stated he has done his work.

Commissioner Young stated that the rest of them did as well.

Commissioner Locke stated he did his work too.

Commissioner Badwey called the question.

EL DORADO CITY COMMISSION MEETING

August 4, 2014

Motion carried 5 – 0.

CITY MANAGER'S REPORT

City Manager Herb Llewellyn stated he did not have anything.

ADJOURNMENT

Commissioner Nick Badwey moved to adjourn the meeting at 10:08 p.m.

Commissioner David Chapin seconded the motion.

Motion carried 5 – 0.

City Clerk Tabitha D. Sharp

Mayor Michael A. Fagg

EL DORADO CITY COMMISSION MEETING

August 18, 2014

The El Dorado City Commission met in a regular session on August 18, 2014 at 7:00 pm in the Commission Room with the following present: Mayor Michael Fagg, Commissioner Chase Locke, Commissioner Bill Young, Commissioner Nick Badwey, Commissioner David Chapin, City Manager Herb Llewellyn, City Attorney Jim Murfin, Assistant City Engineer Scott Rickard, and City Clerk Tabitha Sharp.

VISITORS

Julie Clements	El Dorado Times	El Dorado, KS
Wes Barnett	220 E 1 st	El Dorado, KS
Jeff Smith	Intrust Bank	El Dorado, KS
Ed Gard	601 NW 30 th	El Dorado, KS
Nancy Green	1013 S Topeka	El Dorado, KS
James Cook	719 Fredrick Dr	El Dorado, KS
Mark Habluetzel	Hope Covenant Church	El Dorado, KS
Ken Huffman	222 E 2 nd	El Dorado, KS
Travis Pierce	128 N Vine	El Dorado, KS
Marlene Rethman	1153 S Arthur	El Dorado, KS
Jim Johnson	901 Main	Towanda, KS
Richard Nibarger	901 Main	Towanda, KS
Kevin Wishart	220 E 1 st	El Dorado, KS

CALL TO ORDER

Mayor Michael A. Fagg called the August 18, 2014 meeting to order.

INVOCATION

Pastor Mark Habuetzel, Hope Covenant Church, opened the meeting with an invocation.

PLEDGE OF ALLEGIANCE

The City Commission led the pledge of allegiance.

PUBLIC COMMENT

Mayor Michael Fagg opened the floor for public comment.

Marlene Rethman, 1153 S Arthur, came to thank the City Commission for taking care of the property on Finney. She asked that the City donate the property to Numana for planting fruit trees.

CONSENT AGENDA

Approval of the City Commission minutes from August 4, 2014.

Commissioner Bill Young moved that the Consent Agenda, as presented, be approved.

Commissioner David Chapin seconded the motion.

Motion carried 5 – 0.

REZONE AND SPECIAL USE PERMITS FOR PROPERTY LOCATED AT 2700 W 6TH

Assistant City Engineer Scott Rickard stated that there were three motions to consider. The first was the rezone of the property at 2600 W 6th that Oil Hill School sits on. The rezone will be from R1 – residential to OI – office institutional. He stated the second motion will be an ordinance allowing an educational institution, and the third would be for a sign. The first two items were approved by the Planning Commission 6 – 0. The last motion was approved 4 – 2 with conditions.

Mr. Rickard stated that the conditions of the SUP were that: the sign be a third of the size of the sign structure, the only advertising will be for Verus bank, the sign should be landscaped according to city requirements, the color of the sign should be complimentary to the entire structure, the illumination should be consistent with the rest of the sign, and the sign should not be illuminated between 11 p.m. and 7 a.m.

Mr. Rickard stated that some conditions are already part of our existing sign regulations. He stated that the others were added by staff as a mixture of sign regulations and the comprehensive plan.

Commissioner Nick Badwey asked if the illumination regulations were part of our regular code.

Mr. Rickard stated that it was consistent with our current code because of the location in the residential area.

Commissioner Bill Young asked if the Commission could look at the possibility of an exemption for off-site advertising on these properties in the future. He asked the school officials if the recommendations meet with what the school district is trying to do.

Jim Johnson, Superintendent 375, stated that they have met with the construction company and they thought all of the conditions could be made. He stated that they were ready to move forward.

Commissioner David Chapin asked if the lighting was an issue.

Mr. Johnson stated that he did not believe it would be an issue because it could be set that way. He thought it would be nice to have the lighting before 7 a.m. to help with announcements.

Commissioner Chapin asked to clarify the illumination times in residential areas.

Mr. Rickard stated that according to the zoning plan adopted in 2009 any property abutting a residential use area must meet that restriction.

Commissioner Chapin asked if the Middle School or High School sign stays lit.

Mr. Rickard stated he did not believe the other schools had those signs, they have monument signs. He stated that sign regulations speak more to the LED and flashing signs.

Commissioner Chase Locke stated that he could understand the LED regulations.

Mr. Johnson stated that they have had Datronics provide a letter stating it complies with the regulations.

Commissioner Young clarified that they are talking about the sign, not the spotlights.

Mr. Rickard stated that it was his interpretation that the regulations speak to the illumination of the sign, not spotlights.

City Manager Herb Llewellyn stated that there are regulations for all of it. He stated he thought our regulations are the same as what the federal government has.

Mr. Rickard stated that parking lot lights and security lights would also have to be directed away from the homes in the area.

Commissioner Badwey asked if the sign faces north.

Mr. Rickard stated it faces east and west.

Commissioner Young stated he felt this was a great way to work with the businesses and he appreciated the school district working with the city on this topic.

Commissioner Chase Locke moved that the recommendation of the Planning Commission to approve Case No. 14-002-REZONE requesting a rezone of the property at 2700 W 6th Avenue from R-1 to O-I, be accepted and that Ordinance No. G-1182 be approved.

Commissioner Bill Young seconded the motion.

ROLL CALL VOTE

Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner David Chapin	Yes
	Mayor Michael Fagg	Yes

Position No.1	Commissioner Chase Locke	Yes
Position No. 2	Commissioner Bill Young	Yes

Commissioner Nick Badwey moved that the recommendation of the Planning Commission to approve Case No. 14-007-SUP requesting a Special Use Permit to allow an educational institution in an O-I zone at 2700 W. 6th be accepted and that Ordinance No. G-1183 be approved.

Commissioner David Chapin seconded the motion.

ROLL CALL VOTE

Position No. 4	Commissioner David Chapin	Yes
	Mayor Michael Fagg	Yes
Position No.1	Commissioner Chase Locke	Yes
Position No. 2	Commissioner Bill Young	Yes
Position No. 3	Commissioner Nick Badwey	Yes

Commissioner Nick Badwey moved that the recommendation of the Planning Commission to approve Case No. 14-005-SUP requesting a Special Use Permit to allow an off-site advertising sign with conditions located at 2700 W. 6th be accepted and that Ordinance No. G-1184 be approved.

Commissioner Bill Young seconded the motion.

Mayor Michael Fagg asked what the two votes against this topic were opposed to.

Mr. Rickard stated he thought they were against off site advertising anywhere in the city.

ROLL CALL VOTE

	Mayor Michael Fagg	Yes
Position No.1	Commissioner Chase Locke	Yes
Position No. 2	Commissioner Bill Young	Yes
Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner David Chapin	Yes

PROJECT NO. 354 SALES TAX PROJECT

Assistant City Engineer Scott Rickard stated that this is the complete reconstruction of Atchison from Locust to Cave Springs and then Cave Springs from Atchison to Denver.

Mr. Rickard stated the public hearing will be held September 15th because property owners will be responsible for half of the cost of curb and gutter replacement and the driveways serving their properties.

Mr. Rickard stated that as notifications go out, they will show contractor pricing. He stated he was confident that the prices would be significantly lower because the Public Works Department will be performing this work.

Mayor Michael Fagg asked what the estimated cost was.

Mr. Rickard stated the contractor price was \$280,000, he stated that by performing it in house, they will spend about \$60,000. He stated that does not include labor.

City Manager Herb Llewellyn stated that they will track labor.

Mr. Rickard stated that both of these roads have not been replaced since they were put in place and are in need of repair.

Commissioner Bill Young moved that Resolution No. 2741, a resolution calling and providing for the giving of notice of a public hearing on the advisability of the making of a certain internal improvement in the City of El Dorado, Kansas, under the provisions of K.S.A. 12-6a01 *et seq.*, as amended and supplemented; and providing for the giving of notice of said hearing (paving improvements/project no. 354).

Commissioner Chase Locke seconded the motion.

Motion carried 5 – 0.

SALARY SCHEDULE

City Manager Herb Llewellyn stated that each year the City Commission reviews a salary schedule and pay plan. He stated that we will begin reviewing it with the budget each year instead of during December.

City Manager Llewellyn stated that we have recently surveyed many cities. He stated that staff target for the middle of the survey when proposing a new schedule.

Commissioner David Chapin stated he would like to see the Commission's salary raised.

City Manager Llewellyn stated that he didn't think it would be inappropriate because they are definitely at the lower end of the scale.

Suzie Locke, Human Resource Director, stated that there are two attachments. She stated that one shows the pay grade associated with each position. She stated that the other shows the scale for each pay grade.

City Manager Llewellyn stated that each department has different methodology to determine which point on the scale a new employee starts at.

Mayor Michael Fagg asked what benefits each employee gets.

City Manager Llewellyn stated that we pay 76% of the employees' health insurance, KPERS including long term disability and life insurance policy, police and firemen get Kansas Police and Fire.

Mayor Fagg asked if they just changed the amounts for KPERS and KP&F.

Ms. Locke stated that yes, both programs changed. She stated that KP&F is 22 for the city and KPERS went up to a little over 10 percent for the city contribution.

City Manager Llewellyn stated that if the employee is not in KP&F they get to be part of the 457 plan that has a 5 to 1 match. He stated that the Commission allowed this when KP&F was started so that all employees would be the same.

City Manager Llewellyn stated that the City pays \$15 per month of the employees' YMCA membership. He stated that this helps keep medical insurance costs down.

City Manager Llewellyn stated that there is a small life insurance policy, optional group life insurance, vision, dental, and AFLAC paid by the employee.

Commissioner Chapin asked if there was information on the current schedule.

Ms. Locke stated that she did not include the old schedule. She stated that positions went up and down based on the survey.

Mayor Fagg stated he would like to see what has moved. He asked if anyone had examined what the employment burden was.

City Manager Llewellyn stated it was an average of 30%.

Mayor Fagg asked why there was a 457 in the police budget.

Ms. Locke stated it was for the employees the clerks.

Tabitha Sharp, City Clerk, stated that the previous salary schedule was in their drop box under December 17, 2012.

Mayor Fagg asked what the \$300 deferred compensation was for.

Ms. Locke stated it was part of the match for the salaried employees as part of the 457 plan.

Mayor Fagg asked about the final paragraph and the difference in percentages.

Ms. Locke stated it is part of the KPERS requirements for the different tiers.

Commissioner Bill Young clarified that it was determined by KPERS.

Ms. Locke stated that it was determined by the city, based on the KPERS percentages.

City Manager Llewellyn stated that KPERS requires the newer employees to pay more than employees who have been with the city longer.

Mayor Fagg asked if the City Manager was part of the 457 plan or part of the ICMA plan.

City Manager Llewellyn stated that the ICMA plan was a 457 plan, but there is a different administrator now and he does participate.

Mayor Fagg stated that as far as he knew, there were no other cities that do this.

Ms. Locke stated that she compared cities our size: McPherson, Winfield, Ottawa, and Ark City. All of the cities she looked at had an additional 457 plan. She stated that only one city, McPherson, did not have a match. She stated that all said they wished they did more for their employees.

Mayor Fagg asked if they all do a five percent match.

Ms. Locke stated that they are all at different levels.

Mayor Fagg asked if they looked at Counties and School Districts.

Ms. Locke stated that they only looked at Municipalities similar to us since we are a city.

Commissioner Chapin asked what the percentage of contributions above each hourly wage.

City Manager Llewellyn stated that with only a family health plan, an employee can be making four to five dollars more per hour than their actual wage. He stated he was unsure of the others.

Tammy Schaffer, Finance Director, stated that social security and unemployment are 7.25%.

Commissioner Chapin stated that while people have to live on their cash, they have to retire on their benefits.

Commissioner Locke stated that we have to stay competitive. He stated that it is hard to keep employees if you are not competitive. He stated that he did not see anything unreasonable in the salary schedule.

Commissioner Chapin stated that when he was elected, he and Tom McKibban tried to address the wages and benefits. He stated he felt good about taking care of the city workers and felt that the Commission has done right by the employees with those benefits and wages.

Commissioner Chapin stated he felt by cutting one or two mills to cut benefits, it does not help the City maintain good employees.

Commissioner Young stated that as he has discussed these things with citizens, he has heard that the Police and Fire deserve the KP&F program. He stated that he has told them that without the streets or water, those departments would not be able to do those jobs.

Commissioner Young stated that by building a good employment package, we are able to attract and keep good employees to do the jobs that need done.

Mayor Fagg asked if the upper end of the grades were bumped up.

Ms. Locke stated she couldn't say for sure how many were making the higher end of the salaries. She stated that the increases and decreases were felt across the scale.

City Manager Llewellyn stated he thought there was only one department head at the high end of their salary. He stated most of the department heads are new and towards the middle of their schedule.

Mayor Fagg stated that he felt it was a good living when the employee could top out at \$59,000.

Ms. Locke stated there are not that many employees at the higher end of the schedule. She stated that most of the people who are close to the max are on the lower end of the pay scale.

City Manager Llewellyn stated that low to moderate income in the City of El Dorado for a family of four was approximately \$51,000. He stated that those families are eligible for assistance and are our second tier managers. He stated that he would disagree that it is living well.

Mayor Fagg asked what the reasoning behind the new schedule was, he asked if it was because we were bumping the limits.

City Manager Llewellyn stated that the City does not do cost of living increases. He stated that every so many years they redo the schedule to make it equal to other cities. He stated that certain positions were only worth so much money.

Commissioner Young stated that the minimums make this scale a pretty wide range. He also stated that most of the people in the range were lower because they were new employees.

Ms. Locke stated that it was more accurate to look at the mid-point. She also stated that the reason for the new scale each year is to include new employees that have been added because of a directive by the Commission.

City Manager Llewellyn stated that the vast majority of our employees are less than \$20 per hour. He stated that we are paying just over half what an operator at the refinery makes. He stated that we have to compete with the employers here in El Dorado, if we do not pay them at least proportionate to the others, we will not be able to keep employees.

Mayor Fagg asked if the City of Augusta does a 457 plan.

Ms. Locke stated that she only did cities similar in size to ours. She stated that the challenge is in comparing the job descriptions even if the titles do not match.

Mayor Fagg stated that he would rather work with the lower half of employees giving them help with their insurance instead of a 457 plan.

Ms. Locke stated we only match if the employee does.

Mayor Fagg stated so those people can't afford to have the 457 plan.

Ms. Locke stated that was not necessarily true. She stated that each employee is allowed to contribute as much as federal law allows. She stated that most families base it on their total income.

Mayor Fagg stated he felt that KPERS was enough because that is what the State is promoting.

City Manager Llewellyn stated he was not comfortable with the ability of the KPERS plan to manager our money.

Mayor Fagg stated that we needed to go to the State and talk to them about it.

Commissioner Young stated that we needed to concentrate on taking care of our employees.

Ms. Locke stated that we are comparable to other cities, so we are not the only ones who are providing more than the others.

City Manager Llewellyn stated that he felt that because of our benefits, we are able to self perform projects such as the earlier sales tax project. He stated that he wanted the best employees that we can afford. He felt that by not allowing other employees a similar retirement plan, the Commission is saying that they are not as important as police and fire workers.

Mayor Fagg stated that it was his understanding that the State allowed the KP&F program because older employees in police and fire are less able to do what is required of their job earlier in life than employees in other positions. He stated that this allows them to retire earlier.

City Manager Llewellyn stated that he felt it was due to good political representation.

Mayor Fagg stated that teachers association hasn't done well.

City Manager Llewellyn stated that they only work nine months out of the year.

Mayor Fagg stated that they work hard going to work at five in the morning until ten at night.

City Manager Llewellyn stated that both of his parents were teachers and he understood how hard they work.

Mayor Fagg stated that his wife went to work at five in the morning and was not home when he got there.

City Manager Llewellyn asked where she works.

Mayor Fagg stated that she works in Wichita.

City Manager Llewellyn asked how long it takes her to get to work.

Mayor Fagg stated that it takes her thirty minutes.

Commissioner Locke stated that they chose that career path. He stated that he made the choice not to be a teacher because it did not pay well. He stated that the Commission should not base their decision on that.

Commissioner Chapin stated the low end went down and the upper end went up almost eighteen percent. He stated that he had an issue with that increase.

City Manager Llewellyn stated that this was a comparison with other cities, not something that they made up.

Ms. Locke stated that the other thing to note on the lowest grades is that they are often based on getting new certifications that allow them to move up on the scale.

Commissioner Chapin stated he was just comparing the lowest and highest.

City Manager Llewellyn stated that staff will not do the survey every year. He stated it is done every three or four years.

Commissioner Chapin asked if they would give a large increase every year.

City Manager Llewellyn stated that they would not. He stated that the last salary survey was in 2008.

Commissioner Chapin stated that the resolution is done each year.

City Manager Llewellyn stated that is done every year, but changes are not made each year.

Mayor Fagg stated that he felt they needed to know what other cities are matching. He asked how much is paid into the 457 plan from the city.

Ms. Locke stated she was unsure. She stated that you have to look at what the employees are contributing.

City Manager Llewellyn stated that the budget number is 5% of salaries. He stated that it is less than social security and KPERS.

Mayor Fagg stated he would rather help with health insurance than pay for part of the 457 plan.

Ms. Locke stated that what he was requesting is part of the budget process, not the salary schedule.

Commissioner Nick Badwey moved to approve Resolution 2742, a Resolution amending the salary schedule for the City of El Dorado, KS, and becoming effective January 1st, 2015.

Commissioner Chase Locke seconded the motion.

Mayor Fagg stated he was going to vote no because he did not feel he had enough information and while he wanted to be fair to the city employees, he wanted to be responsible to the tax payers.

Commissioner Chapin stated that he was going to be responsible to the tax payers by taking care of the workers who keep the community going.

Commissioner Locke stated he heard from employees who told him they were very appreciative of what was in place and did not hear anyone wish for more assistance with health insurance.

Commissioner Young stated he has also spoken to employees and found that they are appreciative of the 457 and that they have help preparing for retirement. He stated that we do a disservice to the employees that work for the city when comparing them to the teachers. He stated that he absolutely respects teachers and the work they do, he stated that employees of the city also come to work early each morning and leave late at night all year long. He stated that if teachers are dissatisfied with their retirement plan, they have the choice to leave their current profession and apply at the city.

Motion carried 4 – 1. (Mayor Fagg opposed)

ADOPTION OF THE 2015 CITY BUDGET

Finance Director Tammy Schaffer stated that the budget is being presented with no increase in the mill levy. She stated the proposed budget includes 47.036 mills and \$27,031,053 in total expenses.

Mayor Michael Fagg opened the public hearing.

There were no comments.

Mayor Fagg closed the public hearing.

Commissioner David Chapin stated he felt they worked pretty hard on this budget. He asked what the difference between this year and last year was.

Ms. Schaffer stated that it was 47.327 mills and that the expenses were \$23,758,155.

City Manager Herb Llewellyn stated that did not sound right.

Commissioner Chase Locke stated that he did not think people were too concerned because there was no one present for the public hearing. He stated he felt that he had a better understanding this year. He thanked city staff to be willing to work through Commission's questions. He stated that while prices are going up, we have managed to maintain the mill levy.

Ms. Schaffer stated she was incorrect, the budget amount was \$28 million last year; the other amount she quoted was the revised.

Commissioner Bill Young stated that he appreciated the hard work the staff had done to maintain the mill levy and manage expenses when costs are increasing and the valuations have decreased. He stated that the concerns of the Commission had been addressed. He also echoed Commissioner Locke's comments on the public hearings.

Commissioner Nick Badwey also increased staff for bringing a budget with no mill levy increase even though the mill is worth less this year than last year.

Commissioner Chapin stated that the proposed budget was a million dollars more last year than it is this year.

Mayor Fagg stated that property tax was under ten percent of the revenue used to operate the city.

Mayor Fagg stated that they just received the budget a week ago. He stated that on page four there were transfers totaling the amount of \$230,000 to pay the statement. He stated that the city is charging itself \$1,600,000 to do that.

Commissioner Chapin stated he felt that it was a good deal for the City to be paying itself interest instead of paying a bank the interest.

Mayor Fagg stated he thought four percent was high. He stated that there were cheaper ways to finance that.

Mayor Fagg asked about the lease purchase for the 2012 John Deer tractor. He asked how it is done over three years.

Ms. Schaffer stated that they are leasing it for two years and paying it off in the third year.

Mayor Fagg asked about the increase in the budget for the police department.

City Manager Llewellyn stated he was not comparing two like items, that was not the actual increase. He is comparing actual numbers to budgeted numbers.

Mayor Fagg asked why the budget isn't something we are actually trying to do.

City Manager Llewellyn stated that the budgeted number is a reflection of what might happen. The actual numbers are different because we don't spend everything that is budgeted.

Mayor Fagg went on to list the increases in each department. He stated that the special projects increased \$1,500,000. He asked what that increase was for.

Ms. Schaffer stated that it was the contingency reserve.

City Manager Llewellyn stated that all of those are taken off the actual budget because we try not to spend reserves.

Mayor Fagg stated he did not understand.

City Manager Llewellyn stated that the increase in the proposed budget is due to the contingency reserve. He stated that when you remove the contingency reserve from the actual expenses, you see that there is not an increase. He stated that they are required to budget it if they want to save it.

Ms. Schaffer stated that the number the Mayor is referring to is the fund balance for the general fund. She stated that the questions should have come from the prior budget form they received months ago, not from the State form.

Mayor Fagg stated he just received the State form last week.

City Clerk Tabitha Sharp stated that she placed the State forms in the drop box almost two weeks ago.

Mayor Fagg asked if there had been changes since.

Ms. Sharp stated there have been no changes.

Mayor Fagg asked about the contractual services in the Industrial Mill Levy.

Ms. Schaffer stated that it was the fund balance, the mill levy was the \$80,984.

Mayor Fagg confirmed that contractual services was the fund balance.

Ms. Schaffer stated that it was.

Mayor Fagg asked about the Prairie Trails fund's zero balance.

Ms. Schaffer stated that the State requires that the fund be zeroed out. She stated that they take the projected expenses and revenues. She stated if expenses are more than revenues, they budget to transfer to cover that difference. She stated that if the difference is not as large as the budgeted transfer, they will not transfer the whole amount.

Commissioner Young clarified that over the last few years, the actual transfer has been less than the budgeted amount.

Ms. Schaffer stated that it had been.

Mayor Fagg stated that the water utility shows an increase of \$961,000.

Commissioner Young reiterated that he was comparing the budgeted amount to the actual amount and therefore they would be different.

Mayor Fagg stated that the data processing budget had increased by \$285,534.

Ms. Schaffer stated that staff had addressed this question at the workshop. She stated that previously departments have budgeted their computer expenses. She stated that in 2015, those amounts were transferred from departmental budgets to the data processing budget in order to streamline the purchase of any information technology items.

City Manager Llewellyn clarified that instead of individuals ordering new printers or telephones, the IT Director under data processing will purchase all of those items. He stated that the increase in data processing is offset by the decrease in departmental budgets.

Mayor Fagg stated that in the lake debt reserve fund, there is an unrealized loss of \$247,000. He stated that he knows that this is a paper loss, but there is a \$22,000 loss even when they transferred \$225,000.

Ms. Schaffer stated that it is a paper loss. The city will only lose that money if they cash in the investment.

Mayor Fagg stated that if interest rates go up, we will lose more money because we are in a fixed rate investment.

City Manager Llewellyn stated that if the rates go down, they will be making money.

Mayor Fagg asked if rates would go up or down.

City Manager Llewellyn stated that he did not know for sure. He stated that our investments are making between four and five percent.

Mayor Fagg stated that our risk was up. He stated that we should take those investments and cash them in to pay off the current debt.

Ms. Sharp stated that the investments are for the 2081 debt. She stated that the debts the Mayor wants to pay off are paid through budgeted funds. She stated that the two pieces are from different monies.

City Manager Llewellyn stated that the city would also lose two percent by cashing them in.

Mayor Fagg asked how he got that.

City Manager Llewellyn stated that we're making five percent and paying three percent, the difference is two percent.

Mayor Fagg stated that there was not interest on the five percent because it's been stripped. He stated that the one that is charging three is adding to principal at over a million dollars. He stated that if interest rates go up than the city will lose money. He felt there is a lot of rate risk in those investments.

City Manager Llewellyn stated that the investment advisor was present if he'd like to hear him.

Mayor Fagg stated he would like to have a meeting with them.

Commissioner Chapin stated he would like to hear from them on whether or not we were going to lose money.

Commissioner Locke stated he would like to hear from them as well.

Mayor Fagg asked what happens if we sell water and we have money tied up at only six percent.

Ms. Sharp stated that of the investments he is referring to, many of them are already receiving six percent now. She stated that the majority of the investments are at a higher rate because we expect 5.25% on our investments in order to meet the 2081 debt. She stated that there are some short term investments at a lower rate, and it is our hope that those can be reinvested at a higher rate later.

Mayor Fagg asked what the short term rates were.

Ms. Sharp stated that she did not have it with her, but it was part of the memo that she had prepared for them a few weeks prior.

Mayor Fagg stated that we are receiving less than one percent but paying three percent.

Ms. Sharp reiterated that the debt he wanted to pay for six million and two million was budgeted from the water fund. She stated that the investment money was in the lake debt fund. They were two different funds.

Mayor Fagg stated he did not envision us holding that money for thirty years. He felt that we were extending out at the wrong time.

Mayor Fagg stated that when you look at this year's budget versus last year's budget, the beginning and ending balances do not match.

Ms. Schaffer stated that the City of El Dorado uses an accrual basis at the end of the year and a cash basis for the budget. She stated that in order to get the numbers she takes the audited fund balance, adds expenses and subtracts revenues to get the fund balance. She stated that she has spoken to Roger Basinger at the State of Kansas and he understands the difference. She stated that we could make it balance, but it is better to have a balance that ties to the actual reports.

City Manager Llewellyn stated it was important to note that the State looked at several cities after the Mayor's call and found that only one city tied, McPherson.

Mayor Fagg asked when staff talked to Roger.

Ms. Schaffer stated that they spoke to him last week.

Mayor Fagg asked if a letter was sent.

Ms. Schaffer stated it was, she did not have it with her. She stated that he stated they were looking at five other cities and would send the results when they are done.

Mayor Fagg stated he felt that they should balance.

Ms. Schaffer stated she felt it was better to see the actual number instead of forcing them to match. She stated that the \$500,000 offage last year was an accrual for a grant that we did not receive until the following year.

Mayor Fagg stated that there was a \$7,000,000 difference.

Ms. Sharp asked where his number was coming from because they had compared them last week and that is not what they came up with.

Mayor Fagg stated that he compared all of the funds.

Ms. Schaffer stated he was comparing funds that are not budgeted funds.

Mayor Fagg stated that over a few years he came up with a difference of \$25,000,000.

Ms. Schaffer stated it was the accruals.

Mayor Fagg stated that budget laws stated that 2013 should be actual numbers.

Ms. Schaffer stated that it is actual numbers according to our software system.

Mayor Fagg confirmed that Roger stated it was ok.

Ms. Schaffer stated that he was ok with how we do it.

Commissioner Badwey asked what Roger said to the Mayor.

Mayor Fagg stated that he told him a letter would be sent to the city.

Ms. Schaffer stated that the letter stated that there was a difference in the beginning and ending balances and that someone needed to call the State. She stated that we spoke to Roger and explained how we follow GAAP and that it is due to accruals. She stated that Roger said that he believed that was ok. She also told him that if he found a better way to do it, he should contact her.

Mayor Fagg asked if he would write the Commission a letter.

Ms. Sharp stated that Roger stated a letter was sent to the Finance Director and another would be sent after they finished their research again, to the Finance Director.

Commissioner Young asked the Mayor about his conversation with Roger.

Mayor Fagg stated that when he looked at the cash and saw they were wrong he contacted them.

Ms. Schaffer stated it was not necessarily wrong, it was just different.

Commissioner Young asked if Roger answered any of the Mayor's questions.

Mayor Fagg stated he did not and he would like to hear the letter.

Ms. Schaffer stated that the Mayor has called the State three times over the last year. She read the letter from the State. She reiterated the conversation she had with Roger and again stated that he was comfortable with how our budget is put together.

Commissioner Locke asked if the letter was sent because the Mayor called with concerns, but that staff cleared up the issue with the State.

Ms. Schaffer stated that he was correct.

Commissioner Locke stated he felt it looks misleading when the Mayor calls to report wrong doing by the staff. He stated that he wanted to make sure that the citizens understood that staff have cleared up the issue with the State so that they do not think the staff are being untruthful.

Mayor Fagg stated that Roger states he has a concern.

Ms. Schaffer stated that his only concern was based on the Mayor's call and when she spoke with him, he did not feel that we needed to change our process. She stated that if he finds a better way, he will contact us.

Commissioner Young clarified that when given the actual facts of what happens with the budget, he was ok with it.

Ms. Schaffer stated that he was correct.

Mayor Fagg stated that he was concerned in his conversation.

Commissioner Locke stated that it was based on what the Mayor told him.

Ms. Schaffer stated that his concerns were based on what the Mayor said. She stated that the Mayor made it sound like we were doing something wrong, we are not doing something wrong, we are doing it differently than the Mayor thinks we should.

Commissioner Locke stated that the Commission should communicate about who they are discussing these issues with so that they are unified.

Mayor Fagg stated that he had the same concern a year ago and it could be solved by the auditor for \$500.

Ms. Schaffer stated that we have told the Mayor and Commission the same thing we told Roger.

City Manager Llewellyn stated that the auditors have also said the same thing to the Mayor. He stated the only difference is that they have not written it down.

Commissioner Badwey stated that it seems that the Mayor keeps asking the same question to different people until he gets what he wants. He stated that everyone has said the same thing and the Mayor still hasn't let it go.

Mayor Fagg stated the budget laws say how it should be.

Commissioner Badwey asked if he thought the person from the State knew the budget laws.

Mayor Fagg stated that he did and that is why he had a real concern.

Ms. Schaffer stated that his concern was due to what the Mayor had said and he no longer has that concern after discussing it with us.

Commissioner Locke requested that they discuss things together prior to reaching out to other agencies. He also requested that e-mails be sent so that there is a paper trail.

Mayor Fagg stated that all he had was the letter.

Commissioner Chapin stated that they do not have a paper trail of the Mayor's conversations with the State. He stated that it sounds like the Mayor flagged our city for things he thinks are illegal because he doesn't understand the difference between cash and accrual.

Commissioner Badwey stated he wanted to read a quote from the Pope, "Reject a mindset shaped by suspicion."

Mayor Fagg stated he knew the work he had done and did not understand it.

Commissioner Young stated that the people at the City, State and at the Auditor's office all have said the same thing and are fine with how it is done. He asked if this was just going to continue to be an issue until he got the answer he wanted.

Ms. Sharp stated that she wanted to clarify because the Mayor keeps saying that Mr. Basinger had concerns. She stated that in their conversation the previous week Mr. Basinger stated that there is no impropriety on the part of the city, we have a clean audit, and the State trusts our auditors. She stated that Mr. Basinger pointed out several times that the city was not doing anything wrong. Mr. Basinger stated that by signing the State budget forms, the Commission is only saying that they have had a budget hearing and that the level of expenditures are covered by the mill levy stated in the form.

Ms. Sharp stated that Mr. Basinger thought that the State needed to look at the budget forms and possibly make changes for cities such as El Dorado. She stated that his concerns had been addressed and that he was fine.

Commissioner Locke thanked her for the clarification.

Mayor Fagg asked for a copy of the letter.

Commissioner Nick Badwey moved to approve the 2015 Operating Budget in the total amount of \$27,031,353, providing for an estimated mill levy of 47.036 mills and to certify the same to the County Clerk.

Commissioner David Chapin seconded the motion.

Commissioner Chapin thanked staff for their work.

Commissioner Locke seconded that.

Mayor Fagg stated he was voting no because he felt that expenses did not match revenues, there were not enough checks and balances with the City Manager and streets and existing housing needed to be addressed more.

Motion carried 4 – 1. (Mayor Fagg opposed)

NEW BUSINESS

Commissioner Chase Locke encouraged citizens to support Butler and USD 490 athletics and other student activities.

Commissioner Locke asked if we could do something about the light at Boyer and Central. He felt it was conducive to accidents.

Commissioner Bill Young stated that the late night with the Cats was a great event and a good show of unity amongst the students. He thanked 490 staff and the booster club for their support.

Commissioner Young asked about progress on the Community Market and the Parks and Recreation Master Plan.

City Manager Herb Llewellyn stated we are working on the contract for the Community Market building. He stated that staff were waiting for the budget to be approved before moving ahead.

City Manager Llewellyn stated that they have received bids for the Master Plan for Parks and Recreation.

Kevin Wishart, Parks and Recreation Director, stated that they have sent requests for qualifications to 15 to 20 firms. Staff have narrowed it down to two companies. They have received one plan back at this time.

Mayor Michael Fagg asked what the cost would be.

Mr. Wishart stated that the initial response is \$89,680.

Mayor Fagg asked how long it has been since they have done that, he thought it was in early 2000's.

City Manager Llewellyn stated that senior staff were not involved in the previous plan. He stated that in the Comprehensive Plan there was community involvement, and that is the plan for this one.

Commissioner Young stated that the advisory board has looked at the old plan and did not believe it addressed the needs of the city. He stated that it was clear that it needed to be revised and that it include community engagement.

Mr. Wishart stated that the previous plan was all done by the vendor and had several errors. He stated the first step in the new plan is community input.

City Manager Llewellyn stated that previous plans have been lists of what is perceived as needed by the group. He felt that the citizens in El Dorado are very engaged and that citizens will look forward to being involved in the plan.

Mr. Wishart stated he felt that the recreation advisory board was also very involved and would be helpful in developing the new plan.

Mayor Fagg stated he was not in support of the community market.

Commissioners Locke, Young and Badwey stated they were in support of it.

Commissioner Chapin stated he was concerned about government taking over buildings. He stated that he needed to hear more about the project before he made a decision. He stated he was also leery of taking transient vendors away from the other land owners. He stated he felt that government should get that big.

Commissioner Young stated that he didn't disagree with Commissioner Chapin. He stated he did not feel it was quite as dramatic as what he was describing.

Commissioner Badwey stated he thought it was a quality of life issue.

Commissioner Locke stated he felt it was a good way to recruit and keep young people in the area. He felt that more effort needed to be placed on keeping young people in the city.

Commissioner Chapin stated that he felt they beat up street vendors and yet the city will do the same thing through this venue. He stated it would be small vendors, not the city itself. He stated he was also concerned that it would not last.

Mayor Fagg stated he agreed that we should have less government. He stated that we did not have enough to support the market.

Commissioner Badwey stated he was happy to see construction on the corners of Washington and Olive where the houses have been in disrepair for a long time.

Commissioner Badwey stated he liked the article in the Eagle about our flowers throughout town. He congratulated Sue and her assistant on their good work.

Commissioner Locke stated he received a request from an Augusta council woman for information on the flowers.

Commissioner Young stated he heard from businesses downtown that the article brought in some customers there to see the flowers and the downtown area.

Commissioner Chapin asked about the school zones on 6th street and at the middle school.

Scott Rickard, Assistant City Engineer, stated that the middle school signals were put up last week. He stated that the signals on 6th are up.

Commissioner Chapin asked about his request for advance signs.

City Manager Llewellyn stated he would talk to staff about them.

Commissioner Chapin stated he would like to see them on the truck route.

Mayor Fagg asked how much the City paid for Prairie Trails.

City Manager Llewellyn stated he thought the net was two million dollars.

Mayor Fagg asked for a copy of the closing documents.

Commissioner Chapin asked why.

Mayor Fagg stated he wanted to know the history because he would like to be able to give a good answer when he is asked.

Mayor Fagg stated that he felt the Commission should call because he had concerns.

Commissioner Badwey stated that he no longer has concerns, he only had concerns after talking to the Mayor.

Commissioner Chapin stated that the Commission works as a whole, no one has individual powers. He stated that he felt that if he wants to do something that severe, he should have at least two others in support of him.

CITY MANAGER'S REPORT

City Manager Herb Llewellyn reminded citizens to make sure to blow their grass back into their yards so that debris do not clog the stormwater system.

ADJOURNMENT

Commissioner Nick Badwey moved to adjourn the meeting at 9:36 p.m.

Commissioner Bill Young seconded the motion.

Motion carried 5 – 0.

City Clerk Tabitha D. Sharp

Mayor Michael A. Fagg

EL DORADO CITY COMMISSION MEETING

September 2, 2014

The El Dorado City Commission met in a regular session on September 2, 2014 at 7:00 pm in the Commission Room with the following present: Mayor Michael Fagg, Commissioner Chase Locke, Commissioner Bill Young, Commissioner Nick Badwey, Commissioner David Chapin, City Manager Herb Llewellyn, City Attorney Jim Murfin, Assistant City Engineer Scott Rickard, and City Clerk Tabitha Sharp.

VISITORS

Julie Clements	El Dorado Times	El Dorado, KS
Ramon Criss	1855 Ridge Rd	El Dorado, KS
Diane Solario	248 Warren Rd	El Dorado, KS
James Cook	719 Fredrick Dr	El Dorado, KS
Curt Ziemann	128 N Vine	El Dorado, KS
Daniel Jones	128 N Vine	El Dorado, KS
John Walls		El Dorado, KS
Mike Glendening	4509 SW HWY 196	El Dorado, KS
Gary Ball	817 W 4 th	El Dorado, KS
Tonya Haga	310 N Olive	Leon, KS
Robert Hendricks	American Legion	El Dorado, KS

CALL TO ORDER

Mayor Michael A. Fagg called the September 2, 2014 meeting to order.

INVOCATION

Pastor Andrew Conard, First United Methodist Church, opened the meeting with an invocation.

PLEDGE OF ALLEGIANCE

The City Commission led the pledge of allegiance.

PROCLAMATION

Mayor Michael Fagg read the proclamation declaring September 7-13, 2014 National Assisted Living Week in El Dorado.

Diane Solario, Director of Vintage Place Assisted Living Center, invited citizens and the Commission to come out and help them celebrate.

PERSONAL APPEARANCE

Ramon Criss, 1855 Ridge Rd, presented the closing statements for Prairie Trails to the City Commission.

Mr. Criss brought up several items with which he felt that Mayor Fagg had discriminated against him about. He stated he felt that when he was involved in a project, the Mayor voted against the project due to bias towards Mr. Criss.

Mayor Michael Fagg stated he tried to treat him fairly as he did with other people.

Mayor Fagg and Commissioner Bill Young thanked Mr. Criss for his appearance, the closing statement and questions.

Commissioner Nick Badwey asked to confirm that the sale price on the golf course was \$2.7 million and that the seller gifted back \$500,000.

Tonya Haga, Kansas Secured Title, stated that it was.

Commissioner Badwey stated that he voted to purchase the golf course and would do so again.

PUBLIC COMMENT

Mayor Michael Fagg opened the floor for public comment.

Bob Hendricks, American Legion Commander, thanked the City Commission and staff for approving the special event application for the traveling wall this weekend.

Commissioner Nick Badwey asked if he could give the times that the wall would be open.

Mr. Hendricks stated it would be open Thursday morning through Sunday at 3:00 p.m. He stated that it would be open 24 hours a day to cater to the veterans who wanted to visit when not many people were there.

Mr. Hendricks stated that he noticed that the American Legion was in the paper as owing property taxes and stated that the city was responsible for those as part of the lease.

City Clerk Tabitha Sharp stated that as she had told him earlier in the morning at the City offices, the City was investigating the property tax payment.

Mr. Hendricks also asked if the City Commission had made a decision regarding the reimbursement for the parking lot.

Mayor Michael Fagg asked if the City Manager had discussed it.

City Manager Herb Llewellyn stated it was his understanding the City Commission was not going to reimburse them for the bill. He stated that the Commission had expressed to him that they did not want to pay the bill because the Legion did not communicate with the city on the resurfacing and that they did not believe that the Legion would consult the lease in future years if we paid it this time. He stated that the city will be sealing and striping the parking lot next year and will pay for that.

City Attorney Jim Murfin stated that he spoke with Mr. Hendricks in July regarding the lease. He stated he communicated with Mr. Hendricks that it was not the wish of the city to pay for the parking lot. He asked Mr. Hendricks to send him documentation regarding the parking lot and only recently received it. He stated he was reviewing the information.

Commissioner Badwey asked if Mr. Murfin would be able to return with information by the next meeting.

City Attorney Murfin stated that he would.

More discussion was held, it is not clear on the tape due to microphone issues.

Mr. Hendricks stated that they replaced the parking lot because they thought they would be liable for injury.

Commissioner Badwey asked if the Commission was agreed on coming to a decision by September 15th.

Commissioner Bill Young stated that in fairness to the American Legion, he felt that they could come to a decision at the next meeting.

Commissioner Young asked if he could detail what was in the museum.

Mr. Hendricks stated that it is a privately owned museum. He stated it includes equipment and weaponry.

Commissioner Young asked if that was available to the public.

Mr. Hendricks stated that the whole display will be open to the public.

Commissioner Young thanked the American Legion for their work on the project.

Mayor Fagg asked if the city had mowed in preparation for this event.

Mr. Hendricks stated that the property hadn't been mowed by the city in a few months. He stated that the Legion members have been mowing.

Mayor Fagg asked if the city had repaired the building.

Mr. Hendricks stated that the Legion members cleaned it up and put a lock on.

CONSENT AGENDA

Approval of the City Commission meeting minutes for August 18, 2014.

Approval of appropriation ordinance 08-14 in the amount of \$1,700,215,61.

Mayor Michael Fagg asked if we pay property taxes for the army reserve.

City Manager Herb Llewellyn stated that we do.

Mayor Fagg asked if we look at income and expenses when we do that.

City Manager Llewellyn stated that we do.

Commissioner Bill Young moved that the Consent Agenda, as presented, be approved.

Commissioner Nick Badwey seconded the motion.

Motion carried 5 – 0.

STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES

Police Chief Curt Zieman stated that each year staff bring the updates for the Standard Traffic Ordinance to the City Commission so that they may amend the municipal code.

Mayor Michael Fagg stated that the law for driving under the influence is a tough law.

Chief Zieman stated it is changed almost yearly. He stated that there is quite a bit involved in making an arrest of that nature.

Mayor Fagg stated he remembered jail time as well.

City Attorney Jim Murfin stated that it can include up to six months in jail the first offense and the second up to a year.

Mayor Fagg stated that young people needed to understand how it messes up their lives.

City Attorney Murfin stated that there are a lot of long term costs to employment and other future endeavors.

Commissioner Nick Badwey stated that he had almost been hit twice last Friday by people texting and driving. He asked what the penalty for that offense is. He asked if their phone can be taken away like a weapon is taken away when someone is hunting illegally.

Chief Zieman stated he did not believe so. He stated that it is not illegal to dial your phone and drive so it is harder to prove. He stated that his belief was that State laws

needed to be improved. He felt that it wouldn't be long before the federal government made talking on the phone illegal while driving as well.

Commissioner Bill Young moved that Ordinance No. G-1185, an ordinance amending Section 10.04.010 of the El Dorado Municipal Code pertaining to traffic and referencing the "Standard Traffic Ordinance for Kansas Cities Edition 2014" be passed and approved.

Commissioner Chase Locke seconded the motion.

Mayor Fagg asked if people get a warning about these changes.

Chief Zieman stated they use discretion on new laws.

ROLL CALL VOTE

Position No. 1	Commissioner Chase Locke	Yes
Position No. 2	Commissioner Bill Young	Yes
Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner David Chapin	Yes
	Mayor Michael Fagg	Yes

UNIFORM PUBLIC OFFENSE CODE

Police Chief Curt Zieman stated that the Uniform Public Offense Code is also updated each year. He stated that in July of 2011 the Kansas Legislature recodified the entire criminal code for the State of Kansas. He stated that the League of Kansas Municipalities took a few years to integrate the change into the code. He stated that almost all of the 70 changes are due to recodification.

Chief Zieman stated that after these are passed, the police department has training on all of the changes so that officers are up to date.

Commissioner David Chapin asked if we had problems with the inhaling of alcohol.

Chief Zieman stated he was not aware of any.

Commissioner Chase Locke moved that Ordinance No. G-1186, an ordinance amending Section 9.04.010 of the El Dorado Municipal Code pertaining to public offenses and referencing the "Uniform Public Offense Code, Edition 2014" be passed and approved.

Commissioner Nick Badwey seconded the motion.

ROLL CALL VOTE

Position No. 2	Commissioner Bill Young	Yes
Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner David Chapin	Yes
	Mayor Michael Fagg	Yes
Position No. 1	Commissioner Chase Locke	Yes

LEAGUE OF KANSAS MUNICIPALITIES VOTING DELEGATES

City Manager Herb Llewellyn stated that each year the City Commission nominates delegates to represent the City of El Dorado.

Commissioner Nick Badwey moved to appoint Michael Fagg, Chase Locke, and Bill Young to be named voting delegates at the annual business meeting of the Kansas League of Municipalities and that Tabitha Sharp, Kurt Bookout, and Brian Gartland be named alternates.

Commissioner David Chapin seconded the motion.

Motion carried 5 – 0.

EL DORADO SEWER IMPROVEMENTS (CDBG GRANT) PROJECT NO. 392

Scott Rickard, Assistant City Engineer, stated he wanted to discuss the community development block grant (CDBG) that staff are applying for. He stated that the proposed neighborhood has undersized sewer mains. He stated that the area is from Race Street to Arthur and Olive to Towanda. He stated there is also a small section to the north of that area.

Commissioner Nick Badwey asked what we needed.

Mr. Rickard stated that the minimum standard now is eight inch.

Commissioner David Chapin confirmed that this is not the first time we have considered this.

Mr. Rickard stated that it is not. He stated there will be a \$1.1 million dollar project and about \$500,000 in grant money. The remaining would be a State Revolving Loan which the city would have to pay back. He stated that notification will be sent and a public hearing held on September 15th.

Commissioner Chapin asked if we would be able to use the original letters.

Mr. Rickard stated that they had been able to use them. He stated that being able to report the stories from the last survey will help with the new grant.

Mr. Rickard stated that if the grant is received and a property owner who has issues with his/her sewer lines is low to moderate income, the grant will pay to replace the line completely.

Commissioner Bill Young confirmed that this would rehab all of the six inch sewer mains.

Mr. Rickard stated that it would. He stated there is currently 1950's and 60's clay pipe that is infested with tree roots.

Mr. Rickard stated that they will have to burst this pipe out and lay the new eight inch pipe inside. He stated that this method will allow us to do most of the work from the right of way and not disturb people's yards.

Commissioner Chapin asked if there was a lot of orangeberg.

Mr. Rickard stated that it is mainly in the service lines near the houses.

Mr. Rickard stated that he attended a meeting last week in Topeka to discuss the project with State officials. He stated that they seemed eager to support the application.

NEW BUSINESS

Commissioner David Chapin asked the City Manager to look into the Community Market Building and providing a business plan for it.

Commissioners Chase Locke and Nick Badwey stated they wouldn't mind seeing it either.

Commissioner Locke stated he would like to see a presentation on it.

Commissioner Chapin stated he wanted to see it on paper because he was better able to understand it.

Suzie Locke, Human Resources Director, stated that she could provide it at the next meeting.

Mayor Michael Fagg asked if we have purchased the building.

City Manager Herb Llewellyn stated that they had not.

Commissioner Locke stated he has had some calls so he would like to see it as soon as they are able.

Commissioner Locke thanked Scott Rickard for helping out a resident on Oil Hill.

Commissioner Locke stated that he has been by the pool several times over the summer. He asked if we could look at the pool and consider purchasing some items to improve it.

Commissioner Locke stated that he knows we received a submission for the parks and recreation advisory board. He stated that as we are about to start on the parks and recreation master plan, it would be good to fill the board. He stated that the application was from Susie Carson who is currently serving as the Chamber Director. He stated that she also has experience at the YMCA.

Commissioner Chase Locke moved to appoint Susie Carson to the parks and recreation advisory board.

Commissioner Bill Young seconded the motion.

Commissioner Young agreed that she would be a good addition to the board and that it was important to fill the board with the upcoming master plan review.

Commissioner Locke thanked all of the workers in the parks and recreation department over the summer.

Mayor Fagg stated he also thought Susie would be a good addition to the advisory board.

Motion carried 5 – 0.

Commissioner Young stated that the opening game for Butler was on Thursday and that there was a good turnout. He invited people to come to the other sporting events taking place this week.

Commissioner Badwey stated he was thankful that we missed the hail the other night.

Commissioner Badwey reminded citizens that the Library is working on their fundraising campaign. He encouraged them to participate in the campaign.

Commissioner Badwey stated that the Commission received a letter from Wade Wilkinson this evening and Mr. Wilkinson asked him to read it during the meeting.

Commissioner Badwey read the letter regarding Mr. Wilkinson's statement that the Mayor had called the Home Lumber Company to ask for the purchase price on the building when Mr. Wilkinson bought it from Home Lumber. Mr. Wilkinson detailed his purchase and improvements to the building. He told the Mayor that he would be happy to give the Mayor any information he would like regarding his businesses if he calls and asks.

Commissioner Young stated he was concerned with the contact between the Mayor and other companies as a representative of the City of El Dorado. He stated that his understanding regarding the City's form of government is that members of the Commission cannot act without consent of the majority of the Commission. He asked the Mayor why he contacted home lumber regarding a citizen's private business.

Mayor Fagg stated he was trying to find out who the City was purchasing the building from because according to the court house, Home Lumber still owns the building. He stated that he did not receive much information because they did not have it. He stated that he was hoping to ask Linda Jolly but she was not present tonight.

Mayor Fagg stated that he hoped before a purchase is made that there is a third party building appraisal and inspection done.

Mayor Fagg stated that now he knows who the owner is and he will be happy to discuss it with Mr. Wilkinson.

Mayor Fagg asked where we were on the policy regarding the animals.

City Clerk Tabitha Sharp stated she thought that it would be ready at the next meeting.

Mayor Fagg asked if it could be published for citizens prior to voting.

Ms. Sharp stated that it could be done if that was the wish of the City Commission.

City Manager Llewellyn stated that they will discuss it at the next meeting but not vote until the meeting after.

Mayor Fagg also encouraged citizens to support the renovation of the library.

Mayor Fagg asked if the repairs for Olive would be done soon.

Mr. Rickard stated that he is trying to get it done this year, if they cannot redo it, they will patch it until it can be done next year.

Commissioner Chapin asked if all of the streets had been addressed by the sales tax monies.

Mr. Rickard stated that they are on the last project.

Mayor Fagg thanked staff for starting their work on the cemetery roads. He asked what it would cost and where the money would come from.

City Manager Llewellyn stated the labor and materials is all us, and that anything else would be paid for out of streets.

Mayor Fagg asked how the work was done on the airport roof.

Ms. Sharp stated that there was some done and it was in the budget.

CITY MANAGER'S REPORT

City Manager Herb Llewellyn apologized for the difficulty with the packets this time.

City Manager Llewellyn stated that there were some misstatements regarding the upcoming election by Holly from Main Street. He stated that she stated there would be a ballot question in November on the 30% rule for liquor establishments. He stated that it was untrue, the question was not going to be on the ballot.

City Clerk Tabitha Sharp stated that the next Commission packet will be sent via e-mail and the dropbox because of the changes to the website.

Commissioner Chase Locke asked if there would be a presentation on the new website.

City Manager Llewellyn stated that there would be.

Mayor Fagg stated that he received an e-mail from the Chamber today regarding the YMCA's proposed renovation. He stated that the renovation will include expanded youth and adult activities. He asked how that will affect our parks and recreation master plan.

Commissioner Young stated the master plan will include recreation and throughout the process the company will work with all groups to understand the future recreation needs of our city.

City Manager Llewellyn stated that while it will be about our system, it will address all providers of programming in our city.

Commissioner Locke stated that he thought the Y's renovation was primarily about space needs.

City Manager Llewellyn agreed. He stated that they have often had to use our space in order to make sure they can cover their programming.

ADJOURNMENT

Commissioner Nick Badwey moved to adjourn the meeting at 9:09 p.m.

Commissioner David Chapin seconded the motion.

Motion carried 5 – 0.

City Clerk Tabitha D. Sharp

Mayor Michael A. Fagg