

The El Dorado City Commission met in a regular session on October 20, 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, City Attorney Jim Murfin, Assistant City Engineer Scott Rickard, City Clerk Tabitha Sharp, and Human Resources Director Suzie Locke. Absent: Commissioner David Chapin.

VISITORS

Julie Clements	El Dorado Times	El Dorado, KS
Randy & Teresa Dougherty	3821 SE 34 th St	El Dorado, KS
Jamie Turner	300 S Main Apt 35	El Dorado, KS
Chris Barth	924 W 1 st	El Dorado, KS
Pat Howard		El Dorado, KS
Brad Meyer	222 E 2 nd	El Dorado, KS
John Scribner	4386 NE Ellis	El Dorado, KS
Tony Grunder	810 Rim Rock Rd	El Dorado, KS
James Cook	719 Fredrick Dr	El Dorado, KS
Jeff Jones	405 Random Rd	El Dorado, KS
Ken Huffman	222 E 2 nd	El Dorado, KS
Jim Gardner	930 Fairway Ct	El Dorado, KS
Lauren Lowry	918 Kansas Ave	El Dorado, KS
Justin Jones	821 W Locust	El Dorado, KS
Taylor Brock	916 W Pine	El Dorado, KS
Joshua Wolf	1019 Skyview Dr	El Dorado, KS
Megan Kline	1715 Candace	El Dorado, KS
Harley Thornton	1035 N Cherokee	El Dorado, KS
Gretchen Sharon	815 Rim Rock Rd	El Dorado, KS
Jessica Baker	1009 N Denver	El Dorado, KS
Abigail Edwards	603 S Star	El Dorado, KS
James Powell	323 W Carr	El Dorado, KS

CALL TO ORDER

Mayor Michael A. Fagg called the October 20, 2014 meeting to order.

INVOCATION

Mayor Michael Fagg opened the meeting with an invocation.

PLEDGE OF ALLEGIANCE

The Youth Commission led the pledge of allegiance.

PERSONAL APPEARANCE

Kurt Bookout, Public Utilities Director, gave an update on the Public Utilities Department for the year.

Mayor Michael Fagg confirmed that the utility bill for the treatment plant is \$10,000.

Mr. Bookout stated that it runs approximately \$20,000 but with the wind turbine savings, we spend approximately \$10,000 per month.

Mayor Fagg asked what the expenses are for the wind turbine.

City Manager Herb Llewellyn stated that \$10,000 was the energy expense.

Mr. Bookout stated that the normal expenses are \$15,000 - 17,000 per year. He stated that the company that does maintenance was just here and said that everything is good.

Mayor Fagg asked what the insurance was per year.

City Clerk Tabitha Sharp stated she would have to look it up.

Commissioner Bill Young confirmed that they were assuming a ten year payoff based on the current numbers.

Mr. Bookout stated that it would be based on the five months of information we have.

Mayor Fagg asked if we were selling much to Westar.

City Manager Llewellyn stated that on a windy day we are, because it produces more than we use. He stated that one of the ongoing conversations is about what they will pay us for the energy we produce.

Mayor Fagg asked for a copy of the expense report from Mr. Bookout.

PUBLIC COMMENT

Mayor Michael Fagg opened the floor for public comment.

There were no comments.

CONSENT AGENDA

Approval of the City Commission meeting minutes for October 6, 2014.

Commissioner Nick Badwey moved that the Consent Agenda, as presented, be approved.

Commissioner Chase Locke seconded the motion.

Motion carried 4 – 0.

CHANGES TO THE EL DORADO MUNICIPAL CODE REGARDING DANGEROUS ANIMALS

Brad Meyer, Public Works Director, stated that staff have presented the Commission with the proposed changes to the animal section of the municipal code. He stated that there have been changes to the definitions including one for tethering, pit bulls and a revision to public nuisance.

Mr. Meyer stated that this ordinance allows two strikes before an animal is removed from town. He stated that every animal will start off with a clean slate.

Mr. Meyer stated that this ordinance will allow pit bulls to be kept within the city limits if they follow rules on identification, sterilization and micro-chipping.

Mr. Meyer stated that the ordinance allows staff to better determine dangerous animals and the responses to such animals.

Commissioner Bill Young asked about the muzzling section regarding pit bulls.

Mr. Meyer stated that they would have to be muzzled while out for a walk.

City Manager Herb Llewellyn clarified that pit bulls start with a clean slate like other animals. He asked Mr. Meyer to compare a pit bull to another animal.

Mr. Meyer stated that the pit bulls are not declared dangerous immediately. He stated that another type of dog will be required to have a muzzle only after being declared dangerous. He stated that a pit bull will have to have a muzzle regardless. He stated that those regulations are based on other cities that staff modeled the ordinance after.

Mr. Meyer stated that a muzzle would provide another level of protection if the pit bull were to get away from the owner.

Commissioner Young stated that he is trying to be helpful to the responsible pet owners in town, and he is also in favor of some of the requirements in the new ordinance. He stated that he felt that the pit bull should not have to have the muzzle until it is declared dangerous.

Commissioner Chase Locke stated that he agreed with Commissioner Young.

Commissioner Nick Badwey stated he would also like to see the muzzle requirement taken off of the ordinance. He stated that he also did not see a need for a special structure for the dog.

City Manager Llewellyn stated that looking at that section, they would get rid of sections A, B and C. He stated that if the owner follows the other rules, then the dog will not get out.

Commissioner Badwey stated that the responsible pet owner is going to take every precaution to ensure their animal is taken care of.

Mr. Meyer clarified that they were only referring to the pit bull portion, not the dangerous animal section.

The Commission clarified that he was correct.

Mr. Meyer stated he would like to see a size of fence identified.

Commissioner Badwey stated he did not have a problem with a six foot fence. He stated that people know their pets, and they will take the steps needed to keep their animal in the yard.

City Manager Llewellyn stated he felt that if they put a requirement for height, it leaves room for argument. He stated that if the language states that they must be secured, it puts the responsibility on the owner.

Commissioner Locke and Commissioner Badwey agreed.

Mayor Michael Fagg asked if we used the ordinances from Lawrence and Bonner Springs.

Mr. Meyer stated that we did as well as the one from Wichita.

Mayor Fagg asked if the State Humane Society Director had read it.

Mr. Meyer stated that the ordinance is directly reflective of those cities.

Mayor Fagg stated he would like to err on the side of caution. He felt that the city had put a lot of thought into this. He asked if the local vets had all reviewed it.

Mr. Meyer stated that it was sent to them.

Mayor Fagg asked how a pit bull is determined when it is a mixed breed.

Mr. Meyer stated that they will rely on the local veterinarians to decide.

Mayor Fagg asked if the muzzling was in the other ordinances.

Mr. Meyer stated that it was in 95% of the others.

Mayor Fagg asked how the tethering would work for someone who is working.

City Manager Llewellyn stated that the ordinance is directed at having dogs enclosed in a fence.

Mr. Meyer stated that allows someone to put a dog out for a bit while they are home. He stated that it keeps people from tethering animals in unsafe conditions.

Mayor Fagg stated he felt it should be passed as is, he thought that no matter how the ordinance is re-written, there would likely be someone with an issue with it.

Mr. Meyer stated that staff have done their best to include everything that has been mentioned at each meeting.

Commissioner Badwey stated he was not in favor of the muzzling section.

Commissioner Locke stated he was also against it until the dog was declared dangerous.

Commissioner Badwey confirmed that the animal would have to be muzzled regardless of type if it were declared dangerous.

Mayor Fagg stated he would still err on the side of safety and felt that if the humane society and the other cities are ok with it, then he is ok with the muzzling.

Commissioner Young stated he did not like the portion on muzzling for pit bulls, but he wanted to get this issue behind them. He stated he was appreciative of the work put into this ordinance and the input from the community.

City Manager Llewellyn confirmed that we should take out A thru D in the enclosure section

Commissioner Young stated he was correct.

Commissioner Chase Locke moved to approve Ordinance No. G-1187 as amended, an ordinance amending the El Dorado Municipal Code pertaining to dangerous animals.

Commissioner Nick Badwey seconded the motion.

Commissioner Locke stated that they would remove A thru D on fencing and the muzzling on pit bulls.

City Clerk Tabitha Sharp stated that this ordinance would be in effect on November 2nd after being passed twice in the City’s newspaper.

Commissioner Young encouraged citizens to contact staff with questions and review the ordinance on the website.

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

SUSAN B ALLEN REVENUE BOND ISSUE

City Clerk Tabitha Sharp stated that in April of 2012 the City and County Commissions discussed issuing debt for Susan B Allen Hospital for refinancing of existing debt, new equipment and energy saving improvements. The City Commission chose to allow the County to issue the debt because the City would have been too close to our debt limit if we took on the IRB.

Ms. Sharp stated that they are finished with the paperwork, and need the City to sign off on the paperwork as well. She stated that if the City Commission is still ok with it, she will sign the certificate.

Mayor Michael Fagg asked why they issued the bonds.

City Manager Herb Llewellyn stated he thought that it was to get the sales tax exemption. He stated that there was no risk to the City on this.

Mayor Fagg stated that bottom line, we could thank the County for doing this.

Commissioner Chase Locke stated that he was ok with it.

Commissioner Nick Badwey stated he was ok with it as well.

SPECIAL USE PERMIT TO ALLOW OIL AND GAS EXTRACTION

Assistant City Engineer Scott Rickard stated that Vess Oil Corporation has requested a special use permit to install an oil well on property owned by Grizzly Development. He stated tha the well site is located east of Oil Hill Road and South Refinery Road. He stated that the Planning Commission recommended approval 8 – 1.

Mayor Michael Fagg asked how many other wells were on the property.

Mr. Rickard stated that there were two.

Mayor Fagg asked where they were in relation to the proposed one.

Mr. Rickard stated that they were northeast from the proposed well.

Commissioner Bill Young asked who had the oil lease in that area.

Mr. Rickard stated that it was Vess Oil.

Mayor Fagg confirmed the two wells were to the northeast.

Mr. Rickard stated one was northeast and the other was to the south of that.

Mayor Fagg asked if this oil well will interfere with future development.

Mr. Rickard stated that there is a relationship between the owner and the lease holder. He stated that this is only allowed in an industrial area by special use permit per our zoning regulations.

Mayor Fagg confirmed that there would not be a chance of hindering future development.

City Manager Llewellyn stated that the owner is new and had intended to develop the property. He stated that staff have discussed it with them and they have a relationship with Vess and are ok with the pump jack. He stated he believed they were influenced by the layout of the land and the fact that large development was unlikely.

Mayor Fagg stated he did not believe they could say no to this.

City Manager Llewellyn stated that if the property owner had been against it, then it could have been declined.

Mayor Fagg asked if anyone checked this with the comprehensive plan.

Mr. Rickard stated that he did look at it and how it would affect transportation in the area. He stated that given the previous use of the land, it made sense to recommend allowing the permit.

City Manager Llewellyn stated that we have denied wells located closer to other areas of town.

Mr. Rickard stated that they have requirements for screening in areas that are near residential or the turnpike.

City Manager Llewellyn stated that this area lends itself to smaller developments as opposed to one large development.

Commissioner Nick Badwey moved that the recommendation of the Planning Commission to approve Case No. 14-008-SUP requesting a Special Use Permit to allow oil and gas extraction on land located on North Oil Hill Road be accepted, and that Ordinance No. G-1188, 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. 4	Commissioner David Chapin	Absent
	Mayor Michael Fagg	Yes
Position No. 1	Commissioner Chase Locke	Yes

SPECIAL USE PERMIT TO ALLOW A TAEKWONDO SCHOOL

Assistant City Engineer Scott Rickard stated that the City has received an application for a Special Use Permit to allow a Taekwondo School at 135 N Main, E. He stated that the Planning Commission reviewed the application and recommend approval 9 – 0.

Mayor Fagg asked if letters were sent to neighboring properties.

Mr. Rickard stated that they did and no one responded.

Commissioner Bill Young asked which building it was.

Mr. Rickard stated that it was on the west side in sunshine alley.

City Manager Herb Llewellyn confirmed that it was a special use permit because of the recommendation of the comprehensive plan that this type of business not be allowed downtown.

Mr. Rickard stated that he was correct, and also because it was indoor recreational use.

Mayor Fagg asked if Main Street had a problem with this.

Mr. Rickard stated that they did not say anything.

Commissioner Nick Badwey moved that the recommendation of the Planning Commission to approve Case No. 14-011-SUP requesting a Special Use Permit to allow a taekwondo school on property located at 135 N Main Street, E, be accepted and that Ordinance No. G-1189 be approved.

Commissioner Chase Locke seconded the motion.

ROLL CALL VOTE

Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner David Chapin	Absent

	Mayor Michael Fagg	Yes
Position No. 1	Commissioner Chase Locke	Yes
Position No. 2	Commissioner Bill Young	Yes

SPECIAL USE PERMIT TO ALLOW A WIND TURBINE

Assistant City Engineer Scott Rickard stated that they have received a request to allow a wind turbine at 3021 SE 34th Street. He stated that this property is outside of city limits, but within our extra-territorial growth area. He stated that the resident is proposing a 45 foot tall wind turbine for consumption on his property. He stated that the Planning Commission reviewed the application and recommended approval 7 – 2.

Mr. Rickard stated that Butler County has signed off on the permit, and it is allowed by-right in Butler County. He stated that because the turbine is located within the three mile radius, it was required to be presented to the Planning Commission.

City Manager Herb Llewellyn confirmed that there was a fall zone.

Mr. Rickard stated that there was, double the height of the turbine.

Commissioner Chase Locke thanked the Planning Commission for their time reviewing these issues.

Mayor Michael Fagg asked what an average windmill was.

Mr. Rickard stated he would guess 25 to 30 feet. He stated that the wind turbine is in a zoning area that allows a forty foot tall building.

Commissioner Nick Badwey moved that the recommendation of the Planning Commission to approve Case No. 14-009-SUP requesting a Special Use Permit to allow a wind turbine on property located at 3021 SE 34th Street be accepted, and that Ordinance No. G-1190 be approved.

Commissioner Bill Young seconded the motion.

Mayor Fagg seconded the comments regarding the Planning Commission.

ROLL CALL VOTE

Position No. 4	Commissioner David Chapin	Absent
	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

ADVISORY BOARD NEW APPOINTMENT

City Manager Herb Llewellyn stated that at the October 10th Special City Commission Meeting, the following appointment was reviewed and approved.

Commissioner Bill Young thanked Ms. Cole for volunteering.

Board	Name	Term
Library Board	Judith Cole	10/20/14 - 5/1/15

Commissioner Bill Young moved to approve the advisory board appointment as specified here within.

Commissioner Chase Locke seconded the motion.

Mayor Fagg echoed Commissioner Young’s comments, he also stated that Ms. Cole was a great supporter of the library.

Commissioner Nick Badwey thanked Bill Kloeblen for his service to the Library Board and several other boards in our community.

The Commission agreed with Commissioner Badwey's comments.

Motion carried 4 – 0.

NEW BUSINESS

Commissioner Chase Locke stated that he went to his second League meeting two weeks ago. He stated that he enjoyed being around the senior staff and seeing how eager they are to learn more. He stated that staff are really doing their best to find things that work and talk to other cities about what they are doing.

Commissioner Locke thanked the CVB and the businesses who participated in the Oktoberfest. He stated it was simple and fun event for our community.

Commissioner Bill Young stated that he received a call today about the online water bill payments. He asked if we could absorb the cost for the online payments.

City Manager Herb Llewellyn stated that we could do it. He stated that it is a fee placed by our billing software company. He clarified that it will impact revenues.

City Clerk Tabitha Sharp stated that the fee is \$1.25 per transaction and that Incode is willing to bill us for it.

Commissioner Young commended staff for the new website. He stated that it is a convenience and we want to encourage people to use it.

City Manager Llewellyn stated that the cost would come out of the utilities revenue.

Commissioner Locke stated he was ok with it.

Mayor Fagg stated that he uses bill pay through his bank and it is no charge. He stated he did not feel we should waive the fee because we are not making money, we are just covering the costs.

James Powell, 323 W Carr, stated it was a convenience for the resident and city staff who do not have to deal with the customer.

Commissioner Young stated that if the customer comes in to pay, they do not have to pay a fee.

Commissioner Locke stated that he thought we should be consistent.

Mayor Fagg asked what the cost was for someone who comes in to use their card.

City Manager Llewellyn stated that the city pays three percent.

Commissioner Young stated that he felt we should standardize it.

Mayor Fagg stated that he would like to review the costs in six months.

City Manager Llewellyn stated that there would be approximately a three percent loss in revenue if everyone were to do it.

Commissioner Young stated that we could review the Utility Billing staff if more people began to pay online. He asked if we could credit back the \$1.25 to each person who has paid it.

Commissioner Young stated that in the Comprehensive Plan Housing Section, 4.2, there is discussion regarding rental properties and building codes. He asked if it has changed.

City Manager Llewellyn asked if we adopted housing maintenance.

Scott Rickard, Assistant City Engineer, stated there is housing maintenance according to the International Building Code. He stated that recently they have started enforcing the life safety features more extensively. He stated that we have more opportunity to look at them after a meter is pulled.

Commissioner Young asked if staff could review that section of the Comprehensive Plan.

City Manager Llewellyn stated that when the Comprehensive Plan was developed, the building official position was just beginning.

Commissioner Young stated that there are landlords who take very good care of their property.

City Manager Llewellyn stated that this is often pushed by those landlords.

Commissioner Young stated that the Comprehensive Plan also focuses on conversation between the city and builders/developers. He asked staff to organize those meetings.

City Manager Llewellyn stated that the housing committee was meeting tomorrow to discuss that subject.

Commissioner Young stated that in the economic development section of the comprehensive plan, it says we need to identify businesses needed in the city and be aggressive in getting them.

City Manager Llewellyn stated that it has been reported that we are reactive and that they are trying to be proactive.

Commissioner Young stated we must be proactive in getting these businesses here.

Commissioner Locke agreed, he thought that Ms. Jolly could come back and address that issue.

City Manager Llewellyn stated that it was important to encourage local business, he stated that 85% of jobs are created by local business. He stated that the citizens of El Dorado are our asset for economic development. He stated that he thought that El Dorado Inc. has started working on assessments.

Commissioner Young stated he felt that service businesses are important to getting people living in El Dorado.

Commissioner Young stated that in the Comprehensive Plan, it discusses the lake as one of our biggest assets. He asked where the city was on that project.

City Manager Llewellyn stated that assessments have been done, but then the recession hit and it stopped. He stated that they could revisit the topic.

Commissioner Young stated that in the transportation and infrastructure section, it discusses bike lanes. He asked for an update on that.

City Manager Llewellyn stated that it is not completed yet. He stated that it is something staff have worked on and are concerned about for the health of our citizens and for safe routes to school for children.

Commissioner Young stated that we have strayed away from focusing on it the comprehensive plan. He stated that he would like to review the plan in a work session so that we can move forward with it.

City Manager Llewellyn stated that he has already directed staff to review the plan. He stated that he has been regulating it in an attempt to keep the mill levy down. He stated that he will be presenting these items to the Commission in the future.

Commissioner Nick Badwey wished the citizens a Happy Halloween and encouraged citizens to be careful while trick-or-treating.

Mayor Fagg stated he also got a lot of ideas from League. He stated that the speaker described El Dorado when he talked about moving schools outside of town. He stated that we needed to be careful what happened to the old middle school.

Mayor Fagg stated that they should develop a list of five businesses that are needed downtown. He stated that another city offers \$2,000 to a person who brings one of those businesses to town. He felt that it was a small investment for a new business.

Commissioner Locke stated that Main Street has been having a dialog on facebook regarding this topic.

City Manager Llewellyn stated that he would share it with El Dorado Inc.

Mayor Fagg stated that he heard something about a beer company using recycled wastewater for beer manufacturing. He stated that he felt we should continue discussions on how to best use our water resource.

City Manager Llewellyn stated that the State is working on a 50 year comprehensive plan for water use that restricts the sale of water out of state. He stated that it is important to bring in businesses that will make the city money and use our resources. He stated that the Walnut River Brewing Company moved to El Dorado because of our water.

Mayor Fagg stated that we could research industries that are water intensive and see if they fit in with the businesses that El Dorado needs.

Mayor Fagg stated that he felt we should do something about the median on the curve at Oil Hill School.

City Manager Llewellyn stated that we could put reflectors on it. He stated that if you hit the curb, then you are not able to navigate a regular lane.

Mr. Rickard stated that the median is meant to slow you down to a safe speed.

City Manager Llewellyn stated that we have done it before and they have been damaged, he stated that we can do it again. He stated that when the road was built, citizens requested that we do something to slow people down.

Mayor Fagg stated that he also believed that we need to replace some of the yellow pain on the west side.

City Manager Llewellyn stated that we have been painting at night and will continue as long as the weather is good.

Mayor Fagg stated that he would like to see reflectors on the indentions where you are able to turn.

Mayor Fagg asked if anyone had talked to CNB and Wal-Mart.

Mr. Rickard stated that they are working on some concepts now.

CITY MANAGER'S REPORT

City Manager Herb Llewellyn stated that the videos are now available on the website again.

Brad Meyer, Public Works Director, stated that the technology in the back is somewhat outdated. We have some new software that allows us to compress the videos and put them on a YouTube channel.

Ken Huffman, IT Director, stated that if citizens will go to City Government on the website and click on Commission Videos, it will take them directly to the most recent video. He stated that below that video is a link to the YouTube channel that shows the past six months of meetings.

Suzie Locke, Human Resources Director, stated that they have also added a Government Transparency page that lists the most recent documents that the Commission is reviewing.

Mr. Meyer stated that they are working on the backbone for the city-wide wifi. He stated that eventually that could help us to provide the service in the future. He stated that for now, the wifi will be for city employees who need access to wifi to perform their daily jobs.

Mr. Meyer stated that as far as the items listed in the Comprehensive Plan, we have not yet addressed those.

Commissioner Young stated that he thought that the Comprehensive Plan addresses getting community wifi areas such as parks and other public areas.

Mr. Meyer stated that they have looked at those areas while working on the backbone. He stated that it is doable with the system they are working on now.

Mr. Meyer also stated that Fall Cleanup was this Friday and Saturday, and residents could come to 222 E Second to drop items off.

Mayor Fagg asked if dumptrucks could still be rented.

Mr. Meyer stated that they no longer have dumptrucks because they are getting them ready for snow removal.

City Manager Llewellyn stated that the library is beginning the renovation process and will be moving their adult section to the Gish building in December.

City Manager Llewellyn stated that the State is also working on new IP centers. He stated that they are doing this so that dispatch centers can operate more efficiently. He stated that it sounds like a great idea, but he felt that the cost and efficiency would not be as great as what they are saying.

Commissioner Young asked if staff have reviewed infill opportunities.

City Manager Llewellyn stated that they have, they will present them later.

City Manager Llewellyn stated that school zone advance warnings have been placed at Lincoln and will be at Skelly later this week. He stated that these warnings will have flashing yellow lights to tell people to slow down during the correct times.

City Manager Llewellyn stated that if they are not working correctly, please contact us.

ADJOURNMENT

Commissioner Nick Badwey moved to adjourn the meeting at 9:27 p.m.

Commissioner Chase Locke seconded the motion.

Motion carried 4 – 0.

City Clerk Tabitha D. Sharp

Mayor Michael A. Fagg