

The El Dorado City Commission met in a regular session on December 1, 2014 at 7:00 p.m. 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	El Dorado Times	El Dorado, KS
Kurt Bookout	220 E 1 st	El Dorado, KS
James Powell	323 W Carr	El Dorado, KS

CALL TO ORDER

Mayor Michael Fagg called the December 1, 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.

James Powell, 323 W Carr, wished the City Commission a Merry Christmas.

CONSENT AGENDA

Approval of the City Commission minutes, November 17, 2014.

Approval of appropriation ordinance 11-14 in the amount of \$1,412,222.26.

Approval of 2015 CMB Applications

Pizza Hut
2423 W. Central

Pizza Hut
729 N. Main

Two Brothers BBQ
1701 W. Central

Dillons
700 N. Main

Quiktrip #310
1320 W. Central

Wal-Mart #186
301 S. Village

Jumpstart Central
1631 W. Central

Jumpstart North
701 N. Main

Casey's #1483
420 W. 6th

Casey's #1810
1310 N. Main ST

Casey's #3331
2627 W. Central

Walgreens CO # 10721
119 W. 6th

Saroya, LLC dba Sunny Stop
2575 W. Central

Sunny Stop East
301 E. Central

Golden Asian Buffet
2350 W. Central

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

Commissioner Nick Badwey seconded the motion.

Mayor Michael Fagg confirmed the payment to the Butler County Treasurer's office was for property taxes.

City Clerk Tabitha Sharp stated that it was. She stated that it included property taxes for the American Legion for two years due to the mistake the previous year.

Mayor Fagg asked why there were property taxes on Martin Playground.

Ms. Sharp stated that we have made the payment; the property is with the list of those being considered by the Court of Tax Appeals for exemption.

Mayor Fagg asked why the property taxes would not be shared with the other agencies at the American Legion.

City Manager Herb Llewellyn stated that the taxes were only on the property around the stadium.

Mayor Fagg asked why we got involved in that property.

City Manager Llewellyn stated that the Commission at the time instructed him to purchase it as an economic development prospect.

Mayor Fagg asked if it had anything to do with the stadium.

City Manager Llewellyn stated that it did not at that time.

Mayor Fagg asked about the lease purchase payment on page five.

Ms. Sharp stated that it was for the pumper truck lease in the fire department that was approved by the Commission in 2013.

Mayor Fagg asked about the payment to AWOS.

Ms. Sharp stated that it is a payment for the weather system used at the airport. She stated that the department head, Brad Meyer, said we would be getting the money back as it was part of a grant.

Mayor Fagg asked for an update on the expenses for the CNG project.

City Manager Llewellyn stated that we actually received a call from dispatch over the weekend for a person looking for a CNG station.

Mayor Fagg asked what kind of market we have on this.

City Manager Llewellyn stated that we are selling for \$1.80, a little less than what they are selling it for in Wichita.

Motion carried 5 – 0.

Mayor Fagg asked if the Cereal Malt Beverage licenses are typically the same.

Ms. Sharp stated that she thought they lost one over the last year but they were essentially the same each year.

2014 BUDGET AMENDMENT – PRAIRIE TRAILS GOLF AND DINING AND SEWER FUNDS

Tammy Schaffer, Finance Director, stated that staff are requesting amendment of the Prairie Trails Fund for the purchase of the golf carts and the Sewer Fund due to the wind turbine.

City Manager Herb Llewellyn clarified that the Prairie Trails amendment was due to the direction from the Commission to purchase the golf carts as opposed to financing them and the sewer fund expense was due to the repair on the wind turbine.

Commissioner David Chapin asked if there was a warranty on the wind turbine.

City Manager Llewellyn stated that we are taking steps to recover that money.

Mayor Fagg clarified what amount was being transferred from the General Fund for Prairie Trails.

Ms. Schaffer stated that the number varies depending on what is needed each year. She stated that the number on the budget is estimated.

City Manager Llewellyn stated that the actual was around \$130,000. He stated that this year they planned on only approximately \$100,000 prior to the purchase of the golf carts.

Ms. Schaffer stated that it is an estimate, not an actual.

City Manager Llewellyn stated that this year we would have to move more because of the carts. He stated that we would look at the budget to make sure.

Commissioner Bill Young confirmed that this is the difference between the budgeted amount and the amount that we have spent.

City Manager Llewellyn stated that he was correct.

Mayor Fagg asked if there was something we could have done to foresee this expense.

City Manager Llewellyn stated that staff had planned to do a five year lease payments in arrears to make it easier to budget. The lease would have given us an annual expense that was known instead of having one large expense.

Commissioner Young clarified that they were going to begin the lease in 2014 and the first payment would not have been until the following year when it could have been budgeted for, but the Commission directed staff to pay cash.

Mayor Fagg asked if we could have put off the cart path expense in order to pay for the carts.

City Manager Llewellyn stated that the urgency on the cart paths was to increase revenue. He stated that when the lost days report was brought to the Commission, it spurred the decision to do cart paths. He stated that because the roof failed, only half of the cart paths planned were finished so that the other portion could go to a new roof.

Commissioner Young stated that because of the number of days of missed play due to rain, the Commission encouraged the cart paths so that people could play when it was muddy.

Mayor Fagg asked what the current income was at Prairie Trails.

City Manager Llewellyn stated that there were cuts in the restaurant so the expenses and revenues were down. He stated he would have to look at the rest.

Commissioner Young stated that they said the number of rounds was up this year at the last advisory board meeting.

Mayor Fagg opened the public hearing.

There were no comments.

Mayor Fagg closed the public hearing.

Commissioner Nick Badwey moved to approve the Amendments to the 2014 Operating Budget in the Prairie Trails Golf and Dining and Sewer Funds, as presented.

Commissioner Chase Locke seconded the motion.

Motion carried 5 – 0.

2016 SALARY SCHEDULE

City Manager Herb Llewellyn stated that the salary schedule is reviewed yearly. He stated this reflects the survey that was done earlier this year. He stated that we did it as part of the budget as stated in the code, but it makes it more difficult to plan during the budget process, so we moved it back to December.

Mayor Fagg asked why KPERS and other compensation items were not in this.

City Manager Llewellyn stated that we have not historically done that.

Mayor Fagg asked if our benefits were written out for the employees each year.

City Manager Llewellyn stated that they were not recently, but they had done it before.

Mayor Fagg asked how much the City pays for KPERS.

City Manager Llewellyn stated that there were three levels, but he thought that the first level is going to combine with another. He stated that he thought that all employees would be going up to 6 percent.

Mayor Fagg stated that we need to be fair to staff and tax payers. He read from the final paragraph of the resolution. He stated that he was not in favor of giving the employees more than what KPERS gave them.

Commissioner Bill Young stated that in his time as a Commissioner, it has been the policy of the City Commission that we value all employees as much as Police and Fire employees. He stated that if it weren't for the other employees of the City, they would not be able to do their jobs. He pointed out that KPERS is a struggling retirement plan and not something that people can depend on. He stated that this was the Commission's way of making everyone equal in their benefits package.

City Manager Llewellyn stated that the City's contribution to KP&F and KPERS was very different. He stated that the City Commission thought those should be equal and so the additional 457 plan was added in order to level the contribution for every employee. He stated that due to an increase in KP&F, the contribution is no longer equal. Staff have not requested any additional funding because we are grateful for what we have.

Mayor Fagg stated he felt that the responsibility should be on the individual employee to do anything beyond KPERS. He stated that the State of Kansas has developed this plan and felt it was good. He stated he did not know any municipalities that did this.

City Manager Llewellyn stated he did not have faith in the State to continue the KPERS program. He also stated that the HR Director had provided a list of those cities to the Mayor at a previous meeting.

Commissioner Young stated that in his conversations with city employees, he has found that they are happy with their current benefit package.

Mayor Fagg asked if our health insurance premiums were competitive.

City Manager Llewellyn stated he thought we were, and that we might be less expensive because we are self insured.

Commissioner David Chapin confirmed that the Mayor did not want to lower the expenditure, he only wanted to move it to the wages or health insurance from the retirement plan. He stated that one of the hardest thing for people to do is to save for retirement, so we're helping them more by putting the money towards their retirement. He stated if we are not saving money, we should leave it alone.

Mayor Fagg stated that younger people are worried about their costs now. He asked what the annual check was for Great West.

Commissioner Chapin stated that it is the same amount of money that the Mayor wants to push back into wages.

Mayor Fagg stated that we should not have this program because the area does not have it.

Commissioner Chapin stated that he did not think we needed to follow their lead.

Commissioner Chase Locke stated that the benefit package helps us to keep good employees.

Commissioner Young stated that it has improved our ability to recruit and keep good employees. He stated that the advantage to the additional 457 plan is that the employee can make the choice to put money in. He stated that KPERS is failing every day. He stated that this is an opportunity to help employees and the Commission should take advantage of that.

Commissioner Nick Badwey stated he has talked to employees of all ages and that they were all grateful for the program.

Mayor Fagg stated he did not know anyone who did this.

Commissioner Young stated that at his previous jobs, he has had the ability to get up to 16%.

Commissioner Locke stated that what made him comfortable with the plan was the comparison to the pay and benefits of other cities.

City Manager Llewellyn stated that it goes back to equality amongst the employees. He stated that it is not in the best interest of the country to not save for retirement. He stated that it is better to choose to be part of the solution instead of the problem.

Mayor Fagg stated this has been debated at the State level and went through a lot to set this up.

Commissioner Young stated that this has been debated heavily at the State but it is not working. He stated that rather than perpetuating the problem, this creates a solution

Commissioner Bill Young moved that Resolution No. 2749, a resolution establishing 2016 salaries and wages paid to various employees of the City of El Dorado, and to allocate the various funds of said City, charges and debits for the payment of compensation of wages of all City officials and employees, be adopted.

Commissioner David Chapin seconded the motion.

Mayor Fagg stated he had a problem doing this now because it was for 2016. He asked if we could do it later in the spring.

Tammy Schaffer, Finance Director, stated that the budget process starts in December. Department Heads are beginning work on their 2016 budgets now.

City Manager Llewellyn stated that every year except for 2014, it has been done in December. He stated that they tried to do it with the budget process, but it put too much uncertainty in the process.

Commissioner Young stated that Commissioners have requested that staff begin the budget earlier, so this is necessary.

Mayor Fagg asked if they had to include the benefits in the resolution.

Commissioner Young stated that they needed the information to formulate the budget.

Mayor Fagg confirmed that the department heads will be figuring the salary and benefit line items.

Ms. Schaffer stated that they would.

Motion carried 4 – 1. (Mayor opposed.)

DEFERRED FINES AND 2014 MISCELLANEOUS BILLING WRITE-OFFS

City Clerk Tabitha Sharp stated that each December the miscellaneous billing and write off procedures are brought forward each December as part of an accounting procedure. She stated that staff will not forget the debt, they will continue to try and collect it.

Ms. Sharp stated that the total deferred fines to be written off was \$67,682.82 and the total miscellaneous billing being written off was \$12,885.79. She stated that of the deferred fines, \$9,574 is for State fees and would have been remitted to another agency upon collection and therefore it is not a loss of revenue to the city. She stated that the miscellaneous fees could be broken down as follows: \$8,548.75 in mowing charges, \$3,269.09 in refuse charges, \$70 in sewer tap charges and \$997.95 in other miscellaneous charges.

Mayor Michael Fagg asked if a lien is put on the property for those bills.

Ms. Sharp stated that we do for the ones that we are able to.

Mayor Fagg asked if the \$67,000 is higher than last year.

Ms. Sharp stated that she forgot to bring the numbers from last year. She stated that she thought court fines were up about \$20,000 and miscellaneous billing was up about \$7,000.

Commissioner Bill Young asked what percentage was collected.

Ms. Sharp stated that she thought we collected approximately \$10,000 last year. She stated that the girls in the front office work hard to collect old debt. She stated that we also use the County tax liens, State Setoff program and a third party collection agency.

Mayor Fagg asked if the Setoff program collected from income tax.

Ms. Sharp stated that it did, we try and submit that as early as possible each year so that we are able to collect when taxes are filed. She stated that we are often not the only agency collecting from that individual, so we have to wait our turn.

Commissioner Nick Badwey moved to deem uncollectible the deferred fines accounts in the amount of \$67,682.82 for 2014, and miscellaneous billing accounts in the amount of \$12,885.79 owed to the City of El Dorado, to remove same from the accounts receivable records of the City, and that a list delineating each account be attached to the minutes of this meeting.

Commissioner Chase Locke seconded the motion.

Motion carried 5 – 0.

SALES TAX COMMITTEE APPOINTMENT – 2015

City Clerk Tabitha Sharp stated that each year staff request that the City Commission appoint individuals to serve on the sales tax committee. She stated that those individuals are responsible for providing recommendations to the City Commission regarding the use of excess sales tax monies. She stated that those funds can be used for additional property tax reduction and capital improvement projects.

Ms. Sharp read the list of appointees received from the City Commission and stated that the Planning Commission provided theirs earlier that day, and that person would be Fred Britain.

Commissioner Bill Young thanked the previous year's appointees. He stated that this committee looked very new and it was good to see people wanting to get involved.

Commissioner Bill Young moved to appoint Lisa Jack and Sharon Waugh (Mayor Fagg), Patrick Todd (Commissioner Locke), Stacy Guthrie (Commissioner Young), Randy Wells (Commissioner Badwey), Josh Hall (Commissioner Chapin) and Fred Britain (Planning Commission) to the Sales Tax Advisory Board for a one-year term set to expire December 31, 2015.

Commissioner Nick Badwey seconded the motion.

Motion carried 5 – 0.

Ms. Sharp pointed out that the first sales tax meeting would be January 12th at City Hall.

Mayor Fagg confirmed that it would be a public meeting.

Ms. Sharp stated that it was.

Mayor Fagg encouraged people to contact the Sales Tax Committee members if they had requests for projects.

CANCELLATION OF THE LAST CITY COMMISSION MEETING IN DECEMBER 2014 AND THE FIRST MEETING IN JANUARY 2015

City Manager Llewellyn stated that if a meeting was necessary, they would call one. These meetings are typically cancelled due to their proximity to the holidays.

Mayor Michael Fagg asked if they needed to vote.

City Manager Llewellyn stated they did because the regular meetings have already been published.

Commissioner Chase Locke moved that the last City Commission meeting in December, held on Monday, December 15, 2014 and the first meeting in January, on Monday, January 5, 2015 be canceled and that staff is authorized to release the January checks after the finalized December appropriation ordinance is sent to the City Commission for review.

Commissioner David Chapin seconded the motion.

Motion carried 4 – 1. (Nick Badwey opposed.)

NEW BUSINESS

Commissioner David Chapin asked what was being done about the hole by the curb by CNB.

City Manager Herb Llewellyn stated that it is on the list of items to be done.

Commissioner Chapin asked what the legal ramifications were for placing something on the curb.

City Attorney Jim Murfin stated that we will conform with any applicable laws when crafting our solution.

Commissioner Chapin stated he would like to see a more proactive, friendly way of fixing the problem.

Mayor Michael Fagg stated he liked what was done at 6th and Main. He stated that Community National and Walmart should place it there.

Commissioner Chapin stated that he was in support of pouring concrete there since the two businesses were not willing to do anything. He stated that this would prevent the damage.

Scott Rickard, Assistant City Engineer, stated that the bank was okay with the rock.

Commissioner Chapin stated he felt something needed to be done soon.

City Manager Llewellyn stated that he wanted to wait until the work at Cave Springs and Atchison is done.

Commissioner Chapin stated he was fine with waiting until the weather warmed up enough for the concrete to set up.

Commissioner Young stated that we could fill it with dirt for now and throw a rock in place until we can pour the concrete.

Commissioner Chapin stated that the final fix should be some sort of concrete apron.

There was consensus amongst the Commission to place the rock and then put an apron in after it warms up.

Commissioner Nick Badwey wished everyone a Merry Christmas and a Happy New Year. He encouraged people to remember the reason for the season.

Commissioner Young confirmed that the comprehensive plan meeting would be in February.

City Manager Llewellyn stated that it would be the second Saturday in February.

Commissioner Young encouraged people to go fill out the survey for the Parks and Recreation Master Plan.

Commissioner Young confirmed that there is little internet connectivity in the business park. He asked if we could look at alternatives for connectivity. He stated that there is a company

that has internet service that runs off of the Turnpike. He asked if the Commission would agree to have staff talk to that company.

City Manager Llewellyn stated we have talked to them before, but not specifically about the business park.

Commissioner Young stated that it is difficult to attract new businesses if they have to pay exorbitant amounts for internet.

There was consensus amongst the Commission.

City Manager Llewellyn stated that they have discussed it before but that was before they had run their fiber on the turnpike.

Commissioner Young stated that he was reviewing the website and asked if the others would be interested in making individual web pages for the Commission.

There was consensus amongst the Commission.

Mayor Fagg stated he likes for people to call him, but that the website was important too.

Commissioner Young also wished everyone a Merry Christmas and a Happy New Year.

Commissioner Locke reminded citizens about the annual Christmas parade this Thursday at 6:30. He stated there is a soup cook-off at 4 until 6:30. The parade is super hero themed for the kids and there will be live reindeer.

Commissioner Locke stated that the annual toy-a-thon is Tuesday, December 10th at Wal-Mart. He stated that there are many kids that need toys and coats in our area. He encouraged people to contact him or the Salvation Army if they could help.

Commissioner Locke also thanked the El Dorado High School students for packaging meals to send home with kids during the holidays.

Commissioner Young stated that El Dorado students will be performing all day at the event.

City Manager Llewellyn stated he found it particularly touching that the kids are asking for basic items for Christmas like underwear and socks instead of a toy.

Mayor Fagg asked if Scott could report on the properties purchased at the land sale.

Mr. Rickard stated that the property on Locust was purchased for \$50, the property on Orient was purchased for \$1,500 and the remaining parcels owned by Tres Amigos in the Griler addition were purchased for \$50 each.

Mayor Fagg confirmed he was talking about the buildable lots.

Mr. Rickard stated that they purchased all of the empty lots in that development.

Mayor Fagg asked what the plan was for the houses that we purchased and how many do we own now.

Mr. Rickard stated that with the tax sale, the purpose was to make sure that we pick up properties that are not inhabitable so that someone else does not rent them out. He stated that the lot on Locust could be a buildable lot for a new home in the infill. He stated that the property on Orient will be good for flood mitigation, because it was hazardous to people's safety.

Mayor Fagg asked if it was in the flood plain.

Mr. Rickard stated that it was. He stated that first and foremost, they get rid of properties that are a detriment to public safety.

Mayor Fagg stated he just wanted a plan to get it back on the tax rolls.

City Manager Llewellyn stated that there are two ready for sale now and a few others that will be ready soon.

Mr. Rickard stated that they are looking for people who have a plan for the property. He stated that they will be accepting proposals on them soon.

City Manager Llewellyn stated that they will have a buy back option in the case that the person does not build on it. He stated the first interest is to get rid of the junk and then to get new homes on the property.

Mayor Fagg confirmed that we purchased the Griler lots for \$50 a lot.

Mr. Rickard stated that we did.

Commissioner Chapin asked if they were buildable.

Mr. Rickard stated that 13 had road and sewer and could be buildable.

Mayor Fagg asked how much we had in the infrastructure.

Mr. Rickard stated that he could get those numbers.

City Manager Llewellyn stated he thought that it was about \$40,000.

Mr. Rickard stated that each lot owed about \$3,000-\$5,000 in specials.

City Manager Llewellyn stated he must have been thinking of the City-at-large costs only.

Mayor Fagg stated that he was out for a walk a week or so ago. He wanted to tell the citizens how happy and impressed he was with the water department workers out that day in the cold repairing a main break.

Mayor Fagg stated he was concerned about trees in the water and sewer line paths.

City Manager Llewellyn stated that it is not normally a problem; it is hard to generalize where the utilities are located. He stated that the City's practice is that any home owner who wants a tree in the right-of-way, the City will come and plant it for them.

Mayor Fagg stated he thought the tree in the picture should be taken out. He stated he thought that dig safe should mark where the utilities are before people plant trees.

City Manager Llewellyn stated that people are required to call dig safe. He stated that utilities are required to be lower than most tree roots will go.

Kurt Bookout, Director of Public Utilities, stated it was rare for there to be a water leak due to a tree. He stated that it is more typical of sewer lines.

Mayor Fagg stated he was concerned the tree would fall or die.

City Manager Llewellyn stated that there is nothing indicating that the tree will die. He stated that city staff are watching it to ensure that it stays healthy.

Mayor Fagg stated that the City of El Dorado has a lot of things to be thankful for. He wished everyone a Merry Christmas.

CITY MANAGER'S REPORT

Tammy Schaffer, Finance Director, stated that as part of the Certified Public Manager Program, she chose to work on improving the budget process. She stated that there was also an

article on the budget process in the paper last week. She passed out the budget calendar to the Commission.

City Manager Herb Llewellyn encouraged them to take a look at it and suggest changes if they felt they were necessary.

City Manager Llewellyn stated that he receives a weekly report on the price of debt. He stated that bonds have gone down steadily over the last 20 years. He stated we borrow for quite a bit lower than the average.

City Manager Llewellyn reminded Commissioner Badwey to mention the cookie fair.

Commissioner Nick Badwey stated that the cookie fair is this Saturday until one.

City Clerk Tabitha Sharp stated that election packets will be available in her office this week and can be turned in after January 1st.

Commissioner Chase Locke asked if there could be an education for the public regarding our form of government in January.

Ms. Sharp stated that the Mayor's position and Commissioner #2 and #4 would be up for election.

EXECUTIVE SESSION

City Manager Herb Llewellyn stated that he thought someone had asked for an executive session but could not remember why. He stated that if no one on the Commission remembered why, he did not need one.

Mayor Michael Fagg asked if there were any updates on the issues that had been discussed.

City Manager Llewellyn stated that there was nothing actionable.

Mayor Fagg asked if there had been any discussions.

City Manager Llewellyn stated that we have received a letter from District 3 and have called the American Legion but did not receive a response.

ADJOURNMENT

Commissioner Nick Badwey moved to adjourn the meeting at 8:56 p.m.

Commissioner David Chapin seconded the motion.

Motion carried 5 – 0.

City Clerk Tabitha D. Sharp

Mayor Michael A. Fagg