

The El Dorado City Commission met in a regular session on March 2, 2015 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, Human Resources Director Suzie Locke, Assistant City Engineer Scott Rickard, and City Clerk Tabitha Sharp.

VISITORS

Roger Cutsinger	712 W 14 th	El Dorado, KS
Kurt Bookout	2520 Kacy Ct	El Dorado, KS
Stacey Guthrie	811 W Central	El Dorado, KS
Lisa Jack	1415 W Central	El Dorado, KS
Sharon Waugh	301 S Star	El Dorado, KS
Susan Holthaus	1310 Prairie View Rd	El Dorado, KS
Nancy Wagner	1025 Rimrock Rd	El Dorado, KS
John Scribner	RWD #3	
James Cook	719 Fredrick Dr	El Dorado, KS
Travis Pierce	220 E 1 st	El Dorado, KS
Megan Kline	1715 Candace Lane	El Dorado, KS
Kendra Wilkinson	1016 S Denver	El Dorado, KS
Dakota Garnett	1113 W 2 nd	El Dorado, KS
Harley Thornton	1035 N Cherokee	El Dorado, KS
Steve Moody	220 E 1 st	El Dorado, KS
Julie Clements	Butler County Times Gazette	El Dorado, KS

CALL TO ORDER

Mayor Michael Fagg called the March 2, 2015 meeting to order.

INVOCATION

Mayor Michael Fagg opened the meeting with an invocation.

PLEDGE OF ALLEGIANCE

Brownie Troop #40822 led the Pledge of Allegiance.

SALES TAX ADVISORY COMMITTEE RECOMMENDATION

Stacey Guthrie, Sales Tax Advisory Committee Chair, stated that the City collected \$2,488,947.24. Of that amount, the sales tax committee was able to recommend allocation of \$488,947.24. She stated that the sales tax committee recommended the following items for funding:

- \$271,350.99 (3.49 mills) for additional property tax reduction;
- \$12,800 for bleachers at the Walnut River Complex;
- \$13,000 for Scoreboards at the Walnut River Complex;
- \$6,000 for temporary fencing at the Walnut River Sports Complex;
- \$6,000 for pool furniture at the large Municipal Pool;
- \$18,500 for gym floor #3 at the Activity Center;
- \$85,000 for Central Park Field Lighting;
- \$3,000 for Main Street Inc. (\$1,000 for Cleaning of Downtown Art and \$2,000 for a Façade Grant);
- \$70,000 towards the renovation of the Bradford Memorial Library; and
- \$25,000 to the Elks Lodge for a new building.

Ms. Guthrie stated that this would leave a balance of just under \$60,000 in the excess sales tax fund for allocation later.

Commissioner Bill Young thanked the sales tax advisory committee for their work. He asked about the gymnasium funding request.

City Manager Herb Llewellyn stated that the school district and the city share use of the first two gyms. The City has sole use of gym three.

Commissioner Young asked what work would be done.

City Manager Llewellyn stated he thought it was for sanding and re-doing the floor.

Ms. Guthrie stated that it was not re-done when the other two were as part of the flood claim. She stated that all of the little children use gym three, so we need to do something to help out the floor.

Mayor Fagg commended the sales tax committee for their work and the good conversation they had during the public hearing.

Commissioner Chase Locke stated he read over the minutes, and it looked like everything was well vetted.

Commissioner Nick Badwey stated he also read the minutes and it looked like the entire committee participated in the process, he stated that he appreciated that.

Commissioner David Chapin also thanked the committee for their work.

Mayor Michael Fagg opened the public hearing.

There were no comments.

Mayor Fagg closed the public hearing.

Commissioner Bill Young moved to accept for consideration the Sales Tax Advisory Committee's recommendations on the use of uncommitted sales tax collected in 2014.

Commissioner Chase Locke seconded the motion.

Motion carried 5 – 0.

PERSONAL APPEARANCE

Kurt Bookout, Public Utilities Director, stated that the public scoping meetings for the regional water planning teams have been announced. They will be in El Dorado on March 31st at the Civic Center at 7 p.m.

Mr. Bookout stated that the meetings will focus on goals for water planning in our region.

PUBLIC COMMENT

Mayor Michael Fagg opened the floor for public comments.

There were no comments.

CONSENT AGENDA

Approval of the City Commission Minutes from February 16, 2015, and Special City Commission Minutes from February 7 and 10, 2015.

Approval of appropriation ordinance 2-15 in the amount of \$932,998.35.

Mayor Michael Fagg asked about the charges from Landworks Studios.

City Clerk Tabitha Sharp stated that the charges were for the Parks and Recreation Master Plan.

Mayor Fagg asked what the Orkin charges were in the Stormwater Fund.

Ms. Sharp stated that the building that houses a number of the stormwater staff and equipment had a termite problem. That charge was split between the stormwater, public works, streets and refuse funds.

Commissioner Nick Badwey moved to approve the consent agenda as presented.

Commissioner David Chapin seconded the motion.

Motion carried 5 – 0.

STATE OF THE DEPARTMENT – FIRE DEPARTMENT

Fire Chief Steve Moody presented information on the fire department including: emergency response, staffing, budget, maintenance, fire prevention and public education.

Commissioner Bill Young asked if we do education at the senior center.

Chief Moody stated that they did not, but it would be a great opportunity.

Mayor Michael Fagg asked what cost effective moves were made by the department in 2014.

Chief Moody stated that they cut out some of the physicals that were not necessary to complete every year.

Mayor Fagg asked how the El Dorado department budget compared to other departments.

Chief Moody stated that as he said earlier, the revenue that is brought in by the fire department is nothing like he has seen in other areas.

Chief Moody showed a brief video from a fire shot by a helmet cam.

PROJECT NOS. 295/447 – PAVING TOWANDA AVE (EDGEMOOR TO HAVERHILL)

Scott Rickard, Assistant City Engineer, stated that bids were received last Tuesday on these combined projects. He stated that project 295 was Edgemoor to Fredrick and 447 was Fredrick to Haverhill. He stated that the engineer's estimate was \$981,829 and the low bid was Cornejo and Sons at \$1,180,245.14. A bid was also received from APAC Kansas for \$1,249,191.

Mr. Rickard stated that the vast majority of the increase in the project cost resulted from stormwater issues near the park that were not included in the original cost. He stated that the original authorized cost was lower due to estimates received from the other agencies prior to the bid process.

Commissioner Nick Badwey stated that he did not want to skimp on stormwater costs.

Commissioner David Chapin asked if this would increase the costs assessed to property owners.

Mr. Rickard stated that is not the wish of staff, but it is up to the Commission.

Commissioner Chapin asked if there was money available in the stormwater fund.

Mr. Rickard stated that the balance in the fund is \$173,000 and there is a project scheduled on 12th avenue this year for approximately \$70,000. He stated that next year there are drainage improvements scheduled downtown.

Commissioner Chapin stated he just did not want property taxes to increase.

Mr. Rickard stated that most of the items assessed to home owners actually came in lower than the estimated amount.

Commissioner Young asked if the city would bear the remainder of the cost.

City Manager Herb Llewellyn stated that they could decide where the money would come from later, he stated that there is money in the stormwater fund, but it would leave it at zero.

Mr. Rickard stated that he has a contingency on top of this number that includes costs that might not happen. He stated that the project might come in lower, but he did not feel comfortable coming back to ask for more money after the project.

Commissioner Chapin stated that if they could come up with the money from other projects, it would be good to get this project done as more people use it.

Commissioner Chapin asked if this would go to the college.

Mr. Rickard stated that it would just go to the intersection. He stated that they have discussed it recently with the college, but they are still working out their budget.

Commissioner Chapin stated he was willing to spend the extra money to get a good project done.

Commissioner Young stated that he thought this was a great example of how the entities can all work together. He also agreed that the money could be found elsewhere to fund the project without assessing it to the residents.

MOTION 1

Commissioner David Chapin moved that Resolution No. 2756 a resolution amending and supplementing Resolution No. 2731 of the City of El Dorado, Kansas, which determined the advisability of the making of certain internal improvements in the City of El Dorado, Kansas (paving improvements/project no. 295).

Commissioner Bill Young seconded the motion.

Mayor Fagg stated that he agreed that the money could come from the stormwater fund. He stated that he appreciated the citizens in the area paying half the cost. He stated that the additional costs involved with flooding issues should be paid by the city-at-large.

Motion carried 5 – 0.

MOTION 2

Commissioner David Chapin moved that Resolution No. 2757 a resolution amending and supplementing Resolution No. 2738 of the City of El Dorado, Kansas, which determined the advisability of the making of certain internal improvements in the City of El Dorado, Kansas (paving Towanda Avenue- Haverhill Road to Constant Creek – project 447).

Commissioner Bill Young seconded the motion.

Motion carried 5 – 0.

MOTION 3

AWARDING THE CONTRACT

Commissioner David Chapin moved that as Cornejo & Sons has submitted the best bid for project no. 295 & 447 of \$1,180,245.14, that the City Manager be directed to award the contract to said contractor providing that the company furnish the proper bonds.

Commissioner Bill Young seconded the motion.

Motion carried 5 – 0.

Commissioner Chapin thanked Butler County and the citizens in the township for their help.

NEW BUSINESS

Commissioner Chase Locke encouraged citizens to vote tomorrow in the Mayoral Primary.

Commissioner Locke stated that USD 490 has had a great few weeks in athletics and encouraged people to go see the musical this weekend.

Commissioner Locke stated that the Youth Commission has committed to doing two clean-ups a year at the entrances to the city. He stated that recruiting other youth groups by offering some sort of monetary donation to help would be a good idea.

City Manager Herb Llewellyn stated he did not have any issues with that. He stated that it has been suggested that they create a fund to help the kids go to camp.

Commissioner Bill Young stated that it was great that groups are volunteering to help with the clean-up.

Commissioner Young also encouraged people to get out and vote.

Commissioners Young and Locke thanked staff for cleaning the roads this weekend.

Commissioner Nick Badwey commended the USD 490 wrestling team for their #5 finish in the State 4A competition.

Commissioner Badwey stated that he would like to discuss the employee policy regarding political activity. He stated that employees are not currently permitted to post signs in their yards for candidates running for city office. He stated that he felt it was a violation of their first amendment rights.

Commissioner Locke stated he was concerned with an employee feeling obligated to put a sign in their yard for someone on the Commission, but he was not against it.

Commissioner Badwey stated that he felt they should have the choice.

Commissioner Young stated he felt it was a loaded discussion the night before the primary. He stated he felt that it was not fair to employee spouses who wanted to support someone for a city elected office. He felt that it was important to leave the language regarding supervisors compelling employees to participate in a campaign.

Commissioner Badwey clarified that he thought that the portion after “employees are not permitted to be candidates for City elective office” should be deleted.

Commissioner Chapin stated that he felt that it was a decision that a judge should make regarding first amendment rights. He stated that he could see how supporting a certain candidate could cause problems for an employee.

Mayor Fagg asked when the personnel policy was last updated.

City Clerk Tabitha Sharp stated that it was on the front of the book.

Commissioner Badwey stated it was August 1, 2015.

Mayor Fagg asked why the policy was put in place.

City Manager Llewellyn stated that the employees will ultimately serve whomever is elected to office. He stated that it would possibly be difficult for a Commissioner and employee who knew that the employee didn’t support them in the election.

City Manager Llewellyn stated that it is also about public opinion. He stated that the public need to know that we are going to serve whomever is elected to office.

City Manager Llewellyn stated that before we recommend a change to the policy or that we are breaking a law, we want to do more work. He stated that it is within the Commission's purview to change the policy without that information.

Mayor Fagg stated that he thought this had been in the manual for a long time. He asked how it helps relationships between a boss and employee if we allow this. He stated that if we could keep the employees out of the election process aside from the voting booth, it protects them. He stated that he felt it would better allow work to continue after an election.

Commissioner Young stated that the community needed to understand that the employees were there to serve them.

Mayor Fagg asked if the manual is reviewed annually.

Human Resources Director Suzie Locke stated that there are updates made and given to the employees if a law changes, but a full review is only done every two to three years.

Commissioner Locke stated that he would like to leave it alone until after the election. He hadn't heard concerns from the employees and while it is a good thought, he felt that it protects employees and more thought needs to be put into it.

Commissioner Young stated that he felt it was a good policy to look into.

City Manager Llewellyn stated that we do need to look into it to make sure we are not doing something illegal now that the question has been asked.

Commissioner Chapin stated that he was happy that his request to clean up the trash resonated with people. He suggested that he would like someone to go look at the trash underneath the overpass on the turnpike exit as well.

Mayor Fagg asked if we could fix potholes on Towanda temporarily.

Mayor Fagg asked if there was a plan for the area on 254 that is in disrepair.

Mr. Rickard stated that they could do a shallow depth patch, but it does not extend the life. He stated that they are working on estimates for a complete repair or a short term fix.

Mayor Fagg asked if the State would help with the costs.

Mr. Rickard stated that it would not go far with the costs of that project.

Mayor Fagg thanked the city crews for cleaning up the snow over the weekend.

Mayor Fagg asked if the baseball hall of fame could be linked to the website.

City Clerk Tabitha Sharp stated that she would get it taken care of.

Mayor Fagg asked about the \$250,000 for the water study and why it needed to go to bond.

City Manager Llewellyn stated that they authorized us to go to bond, and so if it is necessary that we will go to bond with it. He stated that if it has already been paid, it most likely pulled down fund balance. It would be re-paid from the water fund.

City Manager Llewellyn stated that it was not paid for when it was authorized three years ago. He stated that we will only do that if we need to.

CITY MANAGER'S REPORT

City Manager Llewellyn did not have anything to report.

EXECUTIVE SESSION

City Manager Llewellyn stated that they do not need to discuss legal matters.

Commissioner Nick Badwey moved to recess into an Executive Session for the purpose of discussing matters related to non-elected personnel, and to reconvene the regularly scheduled meeting in the City Commission room at 8:50 p.m.

Commissioner Chase Locke seconded the motion.

Motion carried 5 – 0.

Mayor Fagg called the meeting back to order at 8:50 p.m.

Commissioner Bill Young moved to return to executive session for the purpose of discussing matters related to non-elected personnel and to reconvene the regularly scheduled meeting in the City Commission room at 9:05 p.m.

Commissioner David Chapin seconded the motion.

Motion carried 4 – 0 (Commissioner Badwey stayed in the room).

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

ADJOURNMENT

Commissioner Nick Badwey moved to adjourn the meeting at 9:06 p.m.

Commissioner Bill Young seconded the motion.

Motion carried 4 – 0.

City Clerk Tabitha D. Sharp

Mayor Michael A. Fagg