

The El Dorado City Commission met in a special session on May 18, 2015 at 6:30 p.m. in the Commission Room with the following present: Mayor Vince Haines, Commissioner Chase Locke, Commissioner Gregg Lewis, Commissioner Nick Badwey, Commissioner Kendra Wilkinson, City Manager Herb Llewellyn, Finance Director Tammy Schaffer, and Assistant City Engineer Scott Rickard. Absent: City Clerk Tabitha Sharp.

VISITORS

Jim Gardner	930 Fairway Ct	El Dorado, KS
Clarice Bolen	209 Bel Air	El Dorado, KS
Jessica Baker	600 N Topeka	El Dorado, KS
James Cook	719 Fredrick Dr	El Dorado, KS
Joseph Prim	1305 Crescent Dr	El Dorado, KS
Fred Silver	6808 NE Wildlife	El Dorado, KS
Karen Anderson	420 School Rd	El Dorado, KS
Ladislado Hernandez	1136 S Summit	El Dorado, KS
Travis Rohrberg	111 W Locust	El Dorado, KS
Don Taylor	2950 W 4 th Ave	El Dorado, KS
Josh Wolf	1019 Skyview	El Dorado, KS
Brooke Ryan	5734 SW Haverhill	El Dorado, KS
Abigail Edwards	603 S Star	El Dorado, KS
Taylor and Hannah Brock	916 W Pine	El Dorado, KS
Hannah Haury	1401 Country Club Rd	El Dorado, KS
Shawn Luehrs	1859 Lawndale Ave	El Dorado, KS
Lauren Lowrey	918 W Kansas	El Dorado, KS
Gretchen Shum	815 Rim Rock Rd	El Dorado, KS
Richard Goehring	1015 Rim Rock Rd	El Dorado, KS
BJ Hunt	111 W Locust	El Dorado, KS
Kurt Bookout	2520 Kacy Ct	El Dorado, KS
Julie Clements	Butler County Times Gazette	El Dorado, KS
Jen Morris	2862 W 4 th	El Dorado, KS

CALL TO ORDER

Mayor Vince Haines called the May 18, 2015 meeting to order.

INVOCATION

Pastory Joseph Prim, Prospect Baptist Church, opened the meeting with prayer.

PLEDGE OF ALLEGIANCE

The City Commission led the Pledge of Allegiance.

PERSONAL APPEARANCE

Josh Wolf, El Dorado Youth Commission, presented their annual report. He thanked Commissioner Locke for serving as advisor for the Youth Commission. He stated that the Youth Commission participated in youth events, fireworks safety programs and the Parks and Recreation Master Plan.

Mayor Vince Haines thanked the Youth Commission for their involvement.

Commissioner Chase Locke thanked Jim Gardner, the Youth Commission advisor for his work.

PUBLIC COMMENT

Mayor Vince Haines opened the floor for public comments.

There were no comments.

CONSENT AGENDA

Approval of the City Commission minutes from May 4, 2015 and Special City Commission Minutes from April 29 and May 13, 2015.

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

Commissioner Chase Locke seconded the motion.

Motion carried 5 – 0.

APPLICATION FOR SPECIAL USE PERMIT TO ALLOW AN ACCESSORY STRUCTURE AT 1013 CHEROKEE ST (CASE NO. 15-004-SUP)

Scott Rickard, Assistant City Engineer, stated that Fred Silver at 1013 Cherokee is requesting an accessory structure. According to regulations, any structure larger than 1,200 square feet in a residential area requires a special use permit. He stated that a public hearing was held at the April 23rd Planning Commission meeting and they recommended approval 6 – 0.

Commissioner Chase Locke stated that according to the minutes, it did not appear that any neighbors had a problem with the structure.

Commissioner Chase Locke moved that the recommendation of the Planning Commission to approve Case No. 15-004-SUP requesting a Special Use Permit to allow a 1,500 square foot accessory structure in an R-2 Residential – Medium Density District and that Ordinance No. G-1197 be approved.

Commissioner Gregg Lewis seconded the motion.

ROLL CALL VOTE

	Mayor Vince Haines	Yes
Position No. 1	Commissioner Chase Locke	Yes
Position No. 2	Commissioner Gregg Lewis	Yes
Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner Kendra Wilkinson	Yes

APPLICATION TO REZONE 111 W. LOCUST AVENUE FROM I-1 LIGHT INDUSTRIAL DISTRICT TO C-2 CENTRAL BUSINESS DISTRICT (CASE NO. 15-003-REZ)

Scott Rickard, Assistant City Engineer, stated that Walnut River stated that Walnut River Brewing is requesting a rezone from light industrial to central business. This will allow them to have food sales on site that they need in order to serve their beer on premises.

Commissioner Kendra Wilkinson asked which direction they were adding on to the building.

Mr. Rickard stated that they were not adding on, it was primarily renovations inside their current building to allow for the food sales. He stated that there is C-2 within the same block as their current building.

Commissioner Nick Badwey moved to approve Case No. 15-003-REZ requesting a rezoning of 111 W Locust Avenue, El Dorado, Kansas, to C-2 Central Business District be approved and that Ordinance No. G-1198 be approved.

Commissioner Gregg Lewis seconded the motion.

ROLL CALL VOTE

Position No. 1	Commissioner Chase Locke	Yes
Position No. 2	Commissioner Gregg Lewis	Yes

Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner Kendra Wilkinson	Yes
	Mayor Vince Haines	Yes

TEMPORARY NOTE SALE

Scott Rickard, Assistant City Engineer, stated that this was temporary financing for the following projects:

- 295/447 – Paving Towanda Avenue \$1,265,245.14
- 421 – Paving Belmont Heights 3rd Addition, Phase 1
- 422 – Sanitary Sewer Belmont Heights 3rd Addition, Phase 1
- 436 – Paving Criss 9th
- 437 – Sanitary Sewer Criss 9th
- 443 – Paving Belmont Heights 3rd Addition, Phase II
- 444 – Sanitary Sewer Belmont Heights 3rd Addition, Phase II

Mr. Rickard stated that the City would carry the notes on the new developments for four years in order for those developments to have time to sell homes. He stated that this is used as an incentive for development.

City Manager Herb Llewellyn stated that the purpose of a temporary note is typically to get the money we need for projects prior to going to bond for a longer period of time.

Mayor Vince Haines asked if the local institutions had the opportunity to bid on these.

City Manager Llewellyn stated that we did bid it to the local institutions.

Finance Director Tammy Schaffer stated that she thought we received five bids and that the bid was awarded to Commerce Bank.

Commissioner Chase Locke moved that Resolution No. 2758, a Resolution authorizing the offering for sale of Temporary Notes, Series 1885, of the City of El Dorado, Kansas, be approved.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

ANNUAL UPDATE OF QUORUM

City Manager Herb Llewellyn stated that the Kansas Open Meetings Act states that a majority of a quorum cannot talk outside of a meeting about city business. He stated that the Commission has changed the quorum annually to four. This changes the requirement for a meeting from three individuals to four.

Commissioner Gregg Lewis moved that Ordinance No. G-1200, an ordinance updating quorum provisions to Title II, Chapter 2.04 of the City of El Dorado Municipal Code, be approved.

Commissioner Nick Badwey seconded the motion.

Motion carried 5 – 0.

Mayor Vince Haines stated that he could see the importance in allowing two members of the Commission to discuss business outside a meeting.

City Manager Llewellyn stated that the Commission will benefit from the experiences of their colleagues, and this rule allows that to happen.

ROLL CALL VOTE

Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner Kendra Wilkinson	Yes

	Mayor Vince Haines	Yes
Position No. 1	Commissioner Chase Locke	Yes
Position No. 2	Commissioner Gregg Lewis	Yes

CITY COMMISSION MEETING TIME ORDINANCE

Mayor Vince Haines stated that the purpose of this item was to change the meeting time to 6:30 p.m.

Commissioner Kendra Wilkinson moved that Ordinance No. G-1201, an ordinance to amend the City of El Dorado Municipal Code Section 2.04.090 to change the time of the City Commission meetings to 6:30 p.m., be approved.

Commissioner Chase Locke seconded the motion.

Mayor Haines stated that meetings will officially be at 6:30 p.m. from now on.

ROLL CALL VOTE

Position No. 4	Commissioner Kendra Wilkinson	Yes
	Mayor Vince Haines	Yes
Position No. 1	Commissioner Chase Locke	Yes
Position No. 2	Commissioner Gregg Lewis	Yes
Position No. 3	Commissioner Nick Badwey	Yes

NEW BUSINESS

Commissioner Nick Badwey stated that the new Community National Bank sign looks nice.

Commissioner Kendra Wilkinson asked if the flooding was more widespread last week.

Scott Rickard, Assistant City Engineer, stated that there were a few streets under water. He stated that most of them drained pretty quickly. He stated that there was water at Prairie View, Main Street and 1st, Vine and 1st and under some of the over passes.

Commissioner Badwey asked if the repair to the crown at 1st and Main worked.

Mr. Rickard stated that the water went down so quickly that he couldn't tell. He stated that some water did get to the threshold at the North door of Willie's.

Commissioner Wilkinson asked if any businesses were damaged.

Mr. Rickard stated that they were not to his knowledge. He stated that the amount of rain in that short amount of time is hard to handle, but the City fared well in his opinion.

Mayor Vince Haines stated that other than traffic backing up to look at the Freedom Riders, the graduation on Sunday went without incident. He congratulated the Seniors on their graduation.

PUBLIC HEARING FOR PROJECT NOS. 354, 416 & 417

Assistant City Engineer Scott Rickard stated that assessments are ready to be spread for these three projects. He stated that residents will be responsible for their driveways and half of the curb and gutter for project 354, the repaving of Atchison Street. He stated that the paving portion was paid for with sales tax monies.

Mr. Rickard stated that projects 416 and 417 were petitions received by the City Commission for repaving.

Mayor Vince Haines opened the public hearing.

Jen Morris, 2862 W 4th, stated that she just purchased the house and was unaware of the specials being assessed. She stated that 10,000 spread out over ten years was a lot for a single person and asked that they consider the cost.

Mr. Rickard stated that the cost is actually spread over twenty years.

Don Taylor, 2950 W 4th, stated that he protested at the hearing for Boyer Ave because he was against that road being a truck route. He stated that he was promised that it would not be a truck route. He also stated that he did not feel that the city is consistent with curb and gutter as well.

City Manager Llewellyn stated that we have sent a police officer to monitor the area and hired a part time officer just for semis. He stated that he understood the problem and the city is trying to monitor it.

Mayor Haines asked if it was marked.

City Manager Llewellyn stated it is marked as not being a truck route. He stated that the issue is that the truck drivers do not all follow the routes that are prescribed to them. He stated that historically the ticket for being off route was only \$100, but the Commission allowed the Judge to raise costs for these tickets.

Chris Hoffman, 601 S Denver, thanked the city for doing the work at Cave Springs. He stated that he hoped that the city would not start any more projects in November because he and his pregnant wife were unable to use his garage for two months during the winter. He also had issues with people driving through his yard.

Commissioner Kendra Wilkinson stated that she witnessed the people driving on the sidewalk as well.

City Manager Llewellyn apologized for the problem. He stated that Mr. Hoffman should contact the city about the ruts and we would fix those. He also stated that while it doesn't help Mr. Hoffman, any residents that have this problem in the future should contact the city and we will make sure that they are able to get in and out of their driveways. He stated that there will be moments where that is not possible, but there should never be days.

Ladislado Hernandez, 1136 S Summit, stated that he received the statement for 2842 W 4th Avenue. He stated that he either misunderstood or was misled about the assessment. He stated that he was told that this project would help alleviate flooding issues, but they are worse. He stated also that the amount of the assessment is \$12,000. He stated that this is higher than what he was quoted.

Commissioner Gregg Lewis confirmed that it would be about \$50 per month.

Mr. Hernandez stated that it was.

Commissioner Nick Badwey confirmed that he thought it was 20% higher than what was on the proposed assessment.

Mr. Hernandez stated he thought it was.

Mr. Rickard stated that his assessment did not change from the proposed amount to the current amount.

Mayor Haines asked if this was a rental or investment property.

Mr. Hernandez stated that he had originally planned to move there.

Mayor Haines asked if staff could work with him on the flooding issue.

City Manager Llewellyn stated that we could.

Mr. Hernandez stated that when they were discussing the project they were going to change the draining. He stated that the grids are on top, but not under the driveway so that the water goes to the west.

Mr. Rickard asked that Mr. Hernandez call him about the flooding because he had not seen it during the rain event last weekend. He also stated that they had routed his sump pump into the stormwater system and they could not get the spouts done because they had fallen off the house. He stated he would be happy to meet him out there.

Mr. Hernandez also asked that the city take it easy on older people while it is raining because it is difficult to get out and mow.

City Manager Llewellyn stated that if the resident contacts us if they are unable to mow, we will give them latitude.

Mr. Hernandez asked if we could do something about the trees coming from 4th on to Boyer because it is difficult to see.

Ms. Morris also agreed and asked that we look at that intersection as well.

Mayor Haines asked if this was assessed as a residential street.

Mr. Rickard stated that the residents will pay assessments based on a residential street and the City will pay the difference for making Boyer a little wider as well as sturdier to accommodate future traffic.

City Manager Llewellyn stated that the city does have roads that have been maintained, but are not finished roads. He stated that the Commission has to direct us to fix those roads.

Mayor Haines closed the public hearing.

Mayor Haines asked the staff to look into the issues expressed by the residents with the intersection and the trucks.

Commissioner Lewis asked if truck routes could be discussed at the work session.

Commissioner Wilkinson asked if the spreadsheet was the total amount assessed over twenty years on their property taxes.

Mr. Rickard stated that it was and that it would show on the statements sent out in December.

City Manager Llewellyn asked if there was anything specific Commissioner Lewis wanted to discuss about truck routes.

Commissioner Lewis stated that the trucks turning north onto Haverhill were unable to turn until all cars had gone or they could not make the turn.

Mr. Rickard stated that he could answer the question once the current agenda item was finished.

Commissioner Chase Locke moved that Ordinance No. G-1199, 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. 2745, 2716, 2737, 2717 and 2736 of the City and providing for the collection of such special assessments.

Commissioner Nick Badwey seconded the motion.

ROLL CALL VOTE

Position No. 2	Commissioner Gregg Lewis	Yes
Position No. 3	Commissioner Nick Badwey	Yes

Position No. 4	Commissioner Kendra Wilkinson	Yes
	Mayor Vince Haines	Yes
Position No. 1	Commissioner Chase Locke	Yes

CITY MANAGER’S REPORT

Assistant City Engineer Scott Rickard stated that there is a median on Central that prevents those trucks from turning. He stated that as part of the commercial development on the northwest corner of Haverhill and Central, we are working with the engineer to move the light pole and median to take care of the issue.

Commissioner Gregg Lewis stated that they are asking to move it back 18 feet.

Mr. Rickard stated that the current discussion is that it will be moved behind the crosswalk.

City Manager Herb Llewellyn stated that the city owns a piece of equipment that allows us to take asphalt and grind it into millings. He stated that we currently have some streets that are failing, but residents do not want to turn them into real city streets yet. He stated that he would like to change these streets to millings which will allow us to take care of them within our current policy.

Commissioner Lewis asked if there would be a public hearing on the subject.

Mayor Vince Haines asked if there was a precedent for it.

City Manager Llewellyn stated that the city has done it before. He stated that Oak is currently in the worst need of something.

Commissioner Lewis stated that Ergon has talked about helping out with that road before.

City Manager Llewellyn stated that he thought at least the turn would be concrete, he stated that staff would work on it some more.

City Manager Llewellyn stated that the Mayor has made him aware of a conflict for the next work session, and that Thursday would work better.

There was consensus to move the meeting to the 28th.

City Manager Llewellyn stated that they have discussed having a retreat, he asked what the Commission would like to see accomplished. He asked if they could e-mail their comments. He stated that he thought it could be done at the end of June.

Mayor Haines stated he would like to review the chain of command as well as the comprehensive plan.

City Manager Llewellyn encouraged students to participate in Youth Commission. He stated that there are other events coming up that they could participate in. He stated that they could continue work on the Parks and Recreation Master Plan as well as a disc golf program.

Commissioner Lewis asked if baseball could continue into the fall.

City Manager Llewellyn stated that if there is enough interest, the city will do it.

EXECUTIVE SESSION

Commissioner Nick Badwey moved to recess into Executive Session for the purpose of discussing legal matters and to reconvene the regularly scheduled meeting in the City Commission room at 7:55 p.m.

Commissioner Chase Locke seconded the motion.

Motion Carried 5 – 0.

Mayor Vince Haines called the meeting back to order at 8:25 p.m.

Commissioner Nick Badwey moved to reappoint Russ McCaig, Kenny Eaton, Anthony Heilman and Loren Anthony and to appoint Bill Young and Brandi Lane to the recreation advisory board for a term to conclude on May 1, 2017.

Commissioner Gregg Lewis seconded the motion.

Motion carried 5 – 0.

ADJOURNMENT

Commissioner Chase Locke moved to adjourn the meeting at 8:27 p.m.

Commissioner Nick Badwey seconded the motion.

Motion carried 5 – 0.

City Clerk Tabitha D. Sharp

Mayor Vince Haines