

The El Dorado City Commission met in a special session on February 1, 2016 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, Human Resources Director Suzie Locke, Assistant City Engineer Scott Rickard and City Clerk Tabitha Sharp. Absent: City Attorney Jim Murfin

VISITORS

Melissa and Brian Baumgartel	615 E 8 th	El Dorado, KS
Sherry Mabry	809 Oak	El Dorado, KS
Julie Clements	Butler County Times Gazette	El Dorado, KS
Andrew Cervantez		El Dorado, KS
Ladislado Hernandez	1136 S Summit	El Dorado, KS
Rick Bruce	821 Oak	El Dorado, KS
Travis Griffin	Butler REC	El Dorado, KS
Kevin and Mary Ellen Mulvaney	1746 SE Cowles Rd	El Dorado, KS
Charles Stowers	4075 SW 20 th	El Dorado, KS
Dan Jones	128 N Vine	El Dorado, KS
Kevin Wishart	220 E 1 st	El Dorado, KS
John Scribner	RWD #3	El Dorado, KS
Sam Leben		El Dorado, KS

CALL TO ORDER

Mayor Vince Haines called the February 1, 2016 meeting to order.

INVOCATION

Pastor John Harms, First Southern Baptist Church, opened the meeting with prayer.

PLEDGE OF ALLEGIANCE

The City Commission led the Pledge of Allegiance.

PUBLIC COMMENT

Mayor Vince Haines opened the floor for Public Comment.

John Harms, 1815 Quail Run, commended the Parks and Recreation Department on the new ideas to enhance the City of El Dorado.

CONSENT AGENDA

Approval of the City Commission minutes from February 1, 2016 and Special City Commission Meeting Minutes from January 26, 2016.

Approval of a CMB License for Butler Community College at the Butler County Community Building, 206 N Griffith, El Dorado, KS 67042.

Commissioner Chase Locke moved that the Consent Agenda, as presented, be approved.

Commissioner Nick Badwey seconded the motion.

Motion carried 5 - 0.

PROJECT 488 – PAVING OAK STREET (7TH – 12TH)

Commissioner Gregg Lewis abstained from the discussion because his plant stands to benefit from the project.

Mayor Vince Haines opened the public hearing.

Gary Taylor, 720 Oak St, stated that he carried this petition. He stated that he had also carried it once before but only received enough interest to do his block.

Commissioner Nick Badwey asked if the petition had enough signatures.

Mr. Taylor stated that he was able to get 11 out of the 16 homes that face Oak Street.

Brian Gartland, Assistant to the City Manager, stated that 54% of resident owners have signed.

Scott Rickard, Assistant City Engineer, clarified that it was 54% of the area that the resident owners own.

City Manager Herb Llewellyn asked if we could get a little more background on the topic before continuing with the public hearing.

Mayor Haines stated he thought that would be a good idea.

Mr. Rickard stated that he has prepared Mr. Gartland to discuss the background on the topic knowing that he would be sitting in the City Manager's position this evening.

Mr. Gartland stated that a public hearing was set at the February 1st City Commission meeting and property owners were notified by mail as well as the newspaper. Staff held a public information meeting on February 10th.

Mr. Rickard stated that after this evening's public hearing, the City Commission will determine if it is advisable to proceed with the project. He stated that six property owners on Oak Street came to the informational meeting.

Mayor Haines asked if the cost per property was provided.

Mr. Rickard stated that the notices were sent out prior to the meeting, the estimated assessment was provided in that notice. He stated that at the public hearing, staff explained that the assessment would be spread over twenty years. He stated that this goes above and beyond the requirements of the State of Kansas.

City Manager Llewellyn stated that by initiating the process through the City Commission is that the public hearing allows citizens to come voice concerns and allows them to petition out of the process.

Mayor Haines asked staff to describe the process for petitioning out of the project.

City Manager Llewellyn stated that Engineering will create a petition and people may sign that petition stating that they do not want the project to move forward.

Mr. Rickard stated that they have twenty days to petition out. The petition requires 51% of the resident owners and 51% of the square footage of the property in the benefit district.

Commissioner Badwey confirmed that when the petition was carried 54% of the owners signed it.

Mr. Rickard stated that he was correct.

Commissioner Badwey asked if the owner could change their mind and be against the petition this time.

Mr. Rickard stated that they could, it happened on Third Street a few years ago.

Commissioner Badwey stated that he could see the percentage going back and forth with such a small difference.

Mr. Rickard stated that is why they decided to go this route.

Rick Bruce, 823 Oak, he stated that he is against the petition. He stated that the people were misguided. He stated that he will be required to pay \$52,000 on his undeveloped property and \$13,000 on the property he lives on. He stated that he has to take unfinished roads to get to this finished road. He stated that people were misled regarding the percentage of property owners they already had and that were required.

Sherry Mabry, 809 Oak, stated that she signed the original petition but that she changed her mind later. She stated that the road was fine before it was torn up. She stated that she will be removing her name from the petition if it passes through Commission this evening.

Ladislado Hernandez, 1136 S Summit, stated that he owns property on Oak Street. He stated that he felt the project was not necessary and that if the constituents in the area were anglo saxon, they would think differently.

Mr. Hernandez stated that he felt that the decision had already been made because of the influence of Commissioner Lewis. He also stated that he did not know of any other project that had been done this way.

Commissioner Badwey stated that he can speak to the work on Locust Street. He stated that he carried the petition and the street will be brought to city standards with curb and gutter.

City Manager Llewellyn stated that Douglas is a good example of a street that has been petitioned out of. He stated that streets have been done this way all over town.

Mayor Haines stated that he would like to bring the conversation back to Oak Street. He stated that he was insulted that Mr. Hernandez was insinuating that he was making a decision based on race.

Mr. Hernandez stated that he was speaking his opinion. He stated that his taxes on that property have been \$137 per year prior to this project. He stated that this project will increase his taxes over a thousand dollars.

Gregg Lewis, 1260 S Emporia, stated that the plant is not pushing to have the street paved. He stated that they are going to do what the residents in the area want to do.

Andrew Cervantez, 524 SE Poor Farm Rd, stated that he didn't think that there were 54% of the property owners on the petition.

Mr. Rickard stated that there are 33 properties in the improvement district and 11 of them signed the petition. He state that there is 512,808 total square feet within the district, and 187,370 square feet owned by non-El Dorado residents.

Mr. Cervantez stated that some people signed it because the person carrying the petition did not tell the truth. He asked if they had to carry another petition.

Commissioner Badwey stated that it was an option.

Mayor Haines stated that they are going to vote on whether to proceed with the project. He stated that if it passes than the community has the ability to circulate a petition to cancel the project.

City Manager Llewellyn stated that they will only pave it if the majority approve the project. The purpose of holding the public hearing and allowing a protest petition was to get input from those owners.

Brian Baumgartel, 615 E 8th, stated that he is opposed to the project. He stated that he owns two pieces of property there and the project will not benefit him. He stated that since 8th wasn't being completed, he did not see the point in doing Oak Street.

Mr. Rickard read a statement from Daniel Hamel at 922 Oak Street. He stated that he was in support of the project and would like to see it paved with curb and gutter.

Mayor Haines closed the public hearing.

Mayor Haines stated that he has driven the street a few times and would question the investment in a street in that part of town.

Commissioner Badwey stated that he thought we needed to honor the valid petition. He stated that there is a vehicle for individuals to petition out if they wish and it would be available tomorrow. He stated that anyone interested could go down and pick up the petition from Mr. Rickard's office and get it signed.

Commissioner Chase Locke confirmed that they were at 54% and asked what would happen if the citizen from earlier would withdraw.

Mr. Rickard stated that he would have to figure it.

Commissioner Locke agreed that they have a valid petition and there is a process to get out of the project.

Mr. Rickard stated that in the past, staff have kept the Commission updated on any protest petition.

Commissioner Badwey asked if the protest petition could be carried with no action.

Mayor Haines stated that it was not needed without action. He stated that he thought if the protest petition was allowed, the residents could use that to petition out of the project.

Commissioner Locke asked how long they have to carry the petition.

Mr. Rickard stated that Statute states there is a minimum of 20 days.

City Manager Llewellyn stated that in 20 days staff will report where the petition is and the Commission can decide if they want to extend the time period.

Mr. Rickard stated that after this meeting, the Commission has six months to make a final determination. He stated that to protest out, it is more difficult because they have to have both 51% of the resident owners and 51% of the total property of the resident owners.

Mr. Lewis asked if a block could be petitioned out. He stated that most people are between 8th and 10th and would not benefit.

City Manager Llewellyn stated that the City Commission can do whatever they want to.

Commissioner Kendra Wilkinson confirmed that they could approve just a portion of it.

City Manager Llewellyn stated that the Commission can take into consideration who signed the petition and where they live.

Commissioner Locke stated it is their responsibility to honor the petition, but allow the people to petition out. He stated that he would like to see at the next meeting where the petition is and give the residents options to address the petition.

Commissioner Wilkinson asked about the publication requirement for the resolution.

City Clerk Tabitha Sharp stated that the publication will be sent to the paper tomorrow and published on Saturday.

Commissioner Wilkinson confirmed that they could pick up the petition tomorrow before publication.

Mr. Rickard stated that they could.

City Manager Llewellyn stated that staff will report back before the time limit expires.

Commissioner Kendra Wilkinson moved that Resolution No. 2817, 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 (street improvements/Oak Street – project 488).

Commissioner Nick Badwey seconded the motion.

Motion 4 – 0 (Gregg Lewis abstained).

PROJECT 491 – PAVING GRIFFITH STREET (CENTRAL TO LOCUST)

Brian Gartland, Assistant to the City Manager, stated that the public hearing for this project was set at the first February meeting. The project has been in the Capital Improvement Plan since 2010. A public information meeting for this project was held last week.

Mayor Haines opened the public hearing.

Kevin and Ellen Mulvaney, 1746 SE Cowles Rd, stated that they are representing Mulvaney Investments which owns a large property on Griffith. He stated that the assessments will make the property difficult to sell.

Charlie Stowers, 113 E Locust, asked if staff had found anything regarding the traffic count and who owned the Civic Center.

Mr. Rickard stated that a traffic study had not been completed for that area.

Mr. Stowers stated that only five individuals own property in this benefit district. He stated that he would like the Commission to consider only doing the first block south of Central Avenue.

Mayor Haines closed the public hearing.

Commissioner Nick Badwey asked if paving only one block was a viable option.

Mr. Rickard stated that it was. He stated that it has been in the CIP since 2010 to be paved in its entirety. He stated that other options could be considered.

Commissioner Kendra Wilkinson asked how far the City's property goes to the south.

City Manager Herb Llewellyn stated that it is about fifty to one hundred feet south of the Civic Center.

Mayor Haines asked who carried the petition.

Mr. Rickard stated that this is a part of the CIP, not a petition. He stated that a petition was started but due to the amount of property owned by the city, it was recommended that the city use this method of beginning the project to allow input from the other property owners.

City Manager Llewellyn stated that the people affected by this project would primarily be city customers for the animal shelter and recycling center. He stated a big part of this project is getting everyone to the job site and that mobilization cost is fixed regardless of the size of the project.

Commissioner Wilkinson asked if they can pave and gutter one block and pave the rest.

Mr. Rickard stated that according to policy that is allowed, but the assessment for the property owners without a standard street would be paid over three years and would not be cost effective for them.

Commissioner Wilkinson confirmed that Mulvaney owned the property marked number 8 and asked where the fence line was.

Mr. Rickard stated that she was correct and the fence line was south of the property marked 3.

Commissioner Wilkinson asked if they had the same options as the Oak Street project.

Mr. Rickard stated that they could, but the City owns well over fifty percent of the land. He stated that the project would be done or cancelled at the discretion of the Commission because they own the majority of the land.

City Manager Llewellyn stated that this is similar to Topeka Street, which was stopped by the Commission. He stated that they could vote to move forward and then continue to gather information and decide how to move forward at a later date.

Commissioner Badwey stated that he would like to know what the mobilization would cost. He asked what if it was too big for the City to do the work.

City Manager Llewellyn stated that they could do the work, they have a few projects ahead of this street.

Commissioner Wilkinson stated she was in support of doing the project to the south end of the city property.

Commissioner Locke stated that he was as well.

Mr. Rickard stated that if they change the scope of the project, it would be best to start over with new estimates and data.

Commissioner Gregg Lewis stated that this is going to benefit the city the most, it would be best to do the work ourselves.

Commissioner Badwey stated that he would like to see the cost of some of the options discussed this evening.

There was consensus amongst the Commission to investigate further options for the project.

ADOPTION OF THE 2025 PARKS AND RECREATION MASTER PLAN

Mayor Vince Haines stated that the Commission has seen the plan extensively and that there have been many efforts to receive comments from the public.

Sam Leben asked if the Commission was still considering moving the pool to a different location. He stated that a water park would draw others to town, he just hated to see kids not be able to walk to the new location. He asked if there was a need for five new baseball fields.

He stated that he would like to see the current fields have some work done.

Mayor Haines stated that he too was surprised at the number of ball fields, but the idea of the plan is just to recognize potential spaces.

Commissioner Kendra Wilkinson stated that she would like the citizens to understand that this is purely conceptual. This is just a guide of what is possible. She stated that she would like to get started as soon as possible identifying potential revenue streams...

Commissioner Chase Locke stated that we are not writing a check right now.

Commissioner Gregg Lewis stated that the plan was well done and will change the image of El Dorado as it moves forward.

Commissioner Locke stated that he appreciated the work of the recreation department.

Mayor Haines asked how they would move forward.

City Manager Herb Llewellyn stated that if they adopt it this evening, it will come back in March.

Mr. Rickard stated that the Planning Commission will meet next Thursday with Kevin Wishart and hear the findings of the public meeting.

Commissioner Nick Badwey moved to adopt the 2025 Parks and Recreation Master Plan as presented, and to direct the City Manager to take the necessary actions to implement the plan.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

City Manager Llewellyn stated that staff will begin work on the plan and that he recommended that the Commission meet to give staff a list of priorities.

APPLICATION TO REZONE 409 N HAVERHILL RD FROM I-1 LIGHT INDUSTRIAL DISTRICT TO C-1 GENERAL BUSINESS DISTRICT (CASE NO. 16-001-REZ)

Mayor Vince Haines abstained from the discussion because he has a client that owns this property.

Scott Rickard, Assistant City Engineer, stated that the owner is requesting the zoning to general business district from light industrial.

Mr. Rickard stated that at the January 28, 2016 Planning Commission, the request was approved 8 – 0. He stated that under current zoning, he is only allowed two signs. He stated that they would like to add more signs and therefore requested a rezone.

Mr. Rickard stated that the C-1 is compatible with the future land use plan and other businesses in the area.

Vice Mayor Nick Badwey stated that it was good to see a business out there and it was a better location for Becker Tire.

Mr. Rickard stated that they will have to make a few minor changes due to the change in zoning which include a screen that must be put up because outside storage is not allowed.

Commissioner Kendra Wilkinson moved to approve Case No. 16-001-REZ requesting a rezoning of 409 N Haverhill Road, El Dorado, Kansas to C-1 General Business District be accepted and that Ordinance No. G-1212 be approved.

Commissioner Chase Locke seconded the motion.

ROLL CALL VOTE

	Vice Mayor Nick Badwey	Yes
Position #1	Commissioner Chase Locke	Yes
Position #2	Commissioner Gregg Lewis	Yes
Position #4	Commissioner Kendra Wilkinson	Yes

NEW BUSINESS

Commissioner Gregg Lewis asked about the fireworks display at McDonald Stadium. He stated that there will be a game on the 4th of July again. He asked if the rest of the City Commission was in favor of keeping the fireworks display at the stadium again.

Commissioner Lewis also asked how the Army Reserve moving out of the Civic Center will affect the city.

City Manager Llewellyn stated that at this time we have no notification from the Army of a move at this time.

Commissioner Lewis asked if it would affect the Chamber or El Dorado Inc.

City Manager Llewellyn stated that it wouldn't. He stated that the Commission would need to decide whether to rent it out again or to make the Civic Center larger.

Commissioner Lewis asked if we could do something about the crosswalk at Main and First.

Commissioner Nick Badwey stated that the sign only says that motorists must stop when it is occupied.

City Manager Llewellyn stated that because it is an abnormal signal, it is difficult for motorists to understand.

Commissioner Kendra Wilkinson asked why the signal was eliminated.

Mr. Rickard stated that KDOT recommended removal of the signal and the City Commission authorized it at the time. He stated that KDOT recommends removal of most of our signals because they don't meet the threshold of vehicles that should pass through.

City Manager Llewellyn stated that they have requested a signal, but KDOT has denied the request. He stated that it would become a political discussion between the Commission and KDOT if we requested again.

Mayor Haines asked if a crosswalk could be used.

Mr. Rickard stated that staff could investigate the possibility.

Mayor Haines stated that the fireworks at the Broncos game were great. He was in favor of that.

Commissioner Locke stated that he was for it as well.

Commissioner Badwey stated that he thought a lot of people liked it.

Commissioner Badwey stated that he heard the dinner at Prairie Trails was really great on Saturday night.

Commissioner Locke asked where we were on the street lights at the business park. He asked for staff to explore it further.

City Manager Llewellyn stated that he would bring information back to the next meeting.

Mayor Haines asked for clarification on the sales tax income for 2015.

City Clerk Tabitha Sharp stated that it was \$2,610,527.74.

Mayor Haines asked how that is allocated.

Ms. Sharp stated that per ordinance we allocated \$600,000 to streets, \$50,000 to economic development and \$1,350,000 to additional property tax reduction. She stated that they are also allowed to allocate up to \$300,000 more in additional property tax reduction.

Ms. Sharp stated that the total left is \$332,221.18 is remaining for allocation by the Sales Tax Committee. She stated that the amount was clarified by staff and the committee is deciding on their next meeting date.

Mayor Haines stated that he wanted to clarify the numbers and once again point out that it had been a great year for sales tax collections.

Mayor Haines asked what kind of information is given to these boards and committees.

City Manager Llewellyn stated that in the work session on Wednesday, staff are making recommendations to change how that is done.

The City Commission agreed to request that civic groups help with cleanup issues around the city.

There was agreement amongst the Commission to schedule a work session to discuss the landbank and the Parks and Recreation Master Plan on March 2nd, 2016 at 4 p.m.

CITY MANAGER'S REPORT

Brian Gartland, Assistant to the City Manager, stated that staff would like to propose moving the executive session scheduled for tonight to Wednesday's work session.

The Commission agreed to table the work session until Wednesday's meeting.

ADJOURNMENT

Commissioner Chase Locke moved to adjourn the meeting at 8:25 p.m.

Commissioner Nick Badwey seconded the motion.

Motion carried 5 – 0.

City Clerk Tabitha D. Sharp

Mayor Vince Haines