

The El Dorado City Commission met in a special session on June 6, 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, City Attorney Jim Murfin, Assistant City Engineer Scott Rickard, and City Clerk Tabitha Sharp.

VISITORS

Julie Clements	Butler County Times Gazette	El Dorado, KS
Linda Baines	253 Post Rd	El Dorado, KS
Jean Plummer	1121 Douglas Rd	El Dorado, KS
Lonna Whaley	850 Fredrick Dr	El Dorado, KS
Donald Adlesperger	1285 S Topeka	El Dorado, KS
Fred Kropf	2001 Towanda Ave	El Dorado, KS
James Cook	719 Fredrick Dr	El Dorado, KS
Sarah Hagen	220 E 1 st	El Dorado, KS
Chad Young	220 E 1 st	El Dorado, KS
WMV and Charlette Dragoo	1429 D 50 Rd	Eureka, KS
Alyce Logsdon	809 Charron Dr	El Dorado, KS

CALL TO ORDER

Mayor Vince Haines called the June 20, 2016 meeting to order.

INVOCATION

Jean Plummer opened the meeting with prayer.

PLEDGE OF ALLEGIANCE

The City Commission led the Pledge of Allegiance.

PERSONAL APPEARANCE

Jean Plummer and Linda Baines gave an update on the upcoming Frontier Western Celebration.

PUBLIC COMMENT

Mayor Vince Haines opened the floor for public comment.

There were no comments.

CONSENT AGENDA

Approval of the City Commission minutes from June 6, 2016, and the Special City Commission minutes from June 6, 2016.

Commissioner Gregg Lewis moved that the Consent Agenda, as presented, be approved.

Commissioner Chase Locke seconded the motion.

Motion carried 5 – 0.

TOWANDA AVENUE ASSESSMENTS

Scott Rickard, Assistant City Engineer, stated that project 295 is from Constant Creek to Edgemoor. Project 447 is from Constant Creek to Haverhill Road. He stated that all proposed assessments have been sent via mail to the property owners in the improvement district. He stated that the property owners will have 30 days to pay in full if they so choose, after that they will be sent to the County to be assessed on property tax over a period of 20 years.

Mayor Vince Haines asked what the assessment versus estimates were.

Mr. Rickard stated that the total project cost was \$1,372,487.40. Of that total the benefit district was responsible for \$551,922.12 and the city-at-large cost was \$1,010,804.21.

Mr. Rickard stated that on project 295 there was about a 10% reduction in the cost compared to the original estimates. He stated that project 447 costs remained the same.

Mayor Haines opened the public hearing.

Lonna Whaley, 850 Fredrick Drive, stated that she was unaware of a previous hearing. She asked why the whole city was not paying for the amount of work from Constant Creek to Haverhill.

Mr. Rickard stated that roughly 2/3 of the project is being paid for by the city-at-large, and approximately 1/3 is being paid by the improvement district.

Ms. Whaley stated that she was concerned that the cost to her was approximately 9% of the value of her property. She stated that she was also concerned that there was not an interest rate.

Mr. Rickard stated that the city will not know that rate until they go out to bond.

City Manager Herb Llewellyn stated that he did not anticipate it would be more than three percent.

Ms. Whaley asked if all residents will be paying the same amount.

Mr. Rickard stated that project 295 is being charged for a normal city street. He stated that project 447 had help from the County and the Township so their costs were less. He stated that for her portion of the project, each owner was assessed 43.94 cents per square foot which is the total area of the project divided by the cost.

Mayor Haines confirmed that everyone was assessed the same dollar value, but it depends on how large the property is.

Ms. Whaley asked how they determine who is included in the project.

Mr. Rickard stated that is half the distance from the next intersecting street north.

Ms. Whaley stated that she thought her house fell on the north side but because the city does not count the cul-de-sac. She felt that her assessment was unfair for a short street.

Don Adlesperger, 1285 S Topeka, thanked the Commission and staff for completing this project. He stated that it was a beautiful street and he was very satisfied.

Alyce Logsdon, 809 Charron Drive, stated that she felt it was a costly project for many people. She felt that the city-at-large should pay a larger portion because it is a thru street. She asked if the interest was figured at simple or compound.

City Manager Llewellyn stated that it was simple interest.

Ms. Logsdon asked if this was already a foregone conclusion.

City Manager Llewellyn stated that the discussions regarding questions from Ms. Logsdon and Ms. Whaley this evening were held three years ago when the project began. He stated that the portion in the city was requested by the citizens.

City Manager Llewellyn stated that this hearing is about knowing the final cost of the project and spreading the assessments.

Ms. Whaley stated that the 2/3 being paid by the city is an additional cost for those in the area as well. She stated that the city should reconsider how that is assessed.

Commissioner Badwey asked how she recommended that the Commission handle the other citizens who have already paid assessments.

Ms. Whaley stated that she had already paid for the street in front of her house.

Commissioner Badwey stated that each individual in the City pays for two streets.

Ms. Whaley stated she did not know how to handle that, but felt that Towanda was a thoroughfare and that the city-at-large should have to pay for it.

City Manager Llewellyn stated that all thoroughfares are done the same way. He stated that the benefit district pays for a new street and then a mill and overlay is the benefit each resident gets from the city for living on an improved street.

Ms. Whaley stated that they just re-laid Fredrick Drive.

Mr. Rickard stated that they might have done some curb and gutter work.

Ms. Whaley stated that she protested the work because they did not fix the puddle in front of her house.

Mr. Rickard stated that he did not recall that project. He stated that the city covers the mill and overlay and splits any curb and gutter work with the resident.

Mayor Haines closed the public hearing.

Mayor Haines stated that he appreciated the comments provided. He stated that paving streets is expensive, but felt that it is an improvement for the whole neighborhood.

Commissioner Nick Badwey moved that G-1219 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. 2731, 2756, 2738 and 2757 of the city; and providing for the collection of such special assessments.

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

APPOINTMENT OF A VICE MAYOR

City Manager Herb Llewellyn stated that tradition dictates that the position is rotated to the next most senior member of the Commission. He stated that the Commission is free to appoint anyone they wish.

Commissioner Kendra Wilkinson moved to appoint Commissioner Chase Locke as Vice-Mayor of the great City of El Dorado.

Commissioner Gregg Lewis seconded the motion.

Motion carried 5 – 0.

JULY MEETINGS

Mayor Vince Haines confirmed that the July 4th meeting was already moved to the 5th.

City Clerk Tabitha Sharp stated that it was moved by ordinance, anytime a holiday falls on a scheduled meeting date, the meeting automatically moves to the next day. She stated that the question is about Drums Across Kansas, which falls on the date of the second July meeting. She stated that the city is sponsoring the event and has done quite a bit of work, staff felt that the Commission might want to attend. She stated that if they do attend, we would need to reschedule the meeting as it falls at the same time.

Mayor Haines asked if the event was an all-day event.

City Manager Herb Llewellyn stated that it is an evening event.

Mayor Haines and Commissioner Locke both agreed that they would like to attend the event and suggested the next day.

Commissioner Nick Badwey moved to reschedule the July 18th City Commission meeting to July 19th, 2016 at 6:30 p.m.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

NEW BUSINESS

Commissioner Gregg Lewis asked if anything was happening at the Lake on July 4th.

Jean Plummer stated that there is a parade and a watermelon feed.

Commissioner Lewis asked if the parade was at Bluestem Point.

Ms. Plummer stated that it was. She welcomed everyone to come take part in the mud run, tractor pull and concert.

City Manager Llewellyn asked about the concerts happening at the lake.

Ms. Plummer stated that they have had three small ones at the lake and are building up to the larger one next year.

Commissioner Nick Badwey reminded citizens to look out for their neighbors and pets in the heat.

Mayor Haines stated that El Dorado Inc. heard from Walnut River Brewery today, he encouraged citizens to go down and try it out.

Mayor Haines stated that there are some busy weeks coming up at the library with classes, book clubs and soccer tournaments.

Mayor Haines stated that the Inc. Housing Board met last week and they are working with the city to put together a housing assessment tool.

Mr. Rickard stated that the process will allow us to receive suggestions for funding availability on housing projects.

City Manager Llewellyn stated that we are planning to apply for a community development block grant that will be a neighborhood focused project.

Mayor Haines stated that the housing committee discussed where those funds would be focused.

Commissioner Kendra Wilkinson stated that the Parks and Recreation board met last week. She stated that the number of swimmers is up at both pools. She stated that July 15-17 the pool will be closed for a swim meet. She stated that Summit Park was completed ahead of schedule, but we have been experiencing a high level of vandalism in the parks. She asked citizens to be on the lookout for individuals committing these crimes. She stated that the board is excited about the disc golf course.

Commissioner Wilkinson encouraged citizens to make sure their grass clippings were not blown into the streets and storm sewer system.

Mayor Haines stated that he would like to discuss the drainage issue on Hillside. He would like to understand the problem and what can be done about it. He stated that he had been contacted by one resident and had agreed to participate in a neighborhood meeting.

Commissioner Badwey asked if there had been a cost estimate done to do the project.

Mr. Rickard stated that they have, the project would be over one million dollars. He stated that there are two hurdles. The first is that the city does not have an easement to that property because it is private. He stated that the ditch is a tributary to Constant Creek and so there would be permitting hurdles through the Kansas Water Office and Kansas Wildlife and Parks.

Mr. Rickard stated that the last time it was investigated in depth was prior to the paving of Oil Hill Road in 2005. He stated at that time, they stated that the city could not make any changes to the channel itself. He stated that some of those rules have been reduced over the years, but it is still an issue.

Mr. Rickard stated that over the years as we have cleaned up other areas, the water has become less of an issue and now only handles runoff from the back yards.

Mr. Rickard stated that the city has done clean-up work approximately three times in the past three years on the public right of ways.

Mayor Haines stated that he noticed a lot of materials stacked behind First Baptist Church. He asked if there would be more responsibility added to their stormwater utility if they add more paving.

Mr. Rickard stated that to his knowledge they are adding an ADA accessible parking space. He stated that they have done some upkeep of the impervious gravel area.

City Manager Llewellyn stated that the fee for stormwater goes up in relation to impervious material square footage. He stated that if someone paves a parking lot, their assessment goes up because the city has to deal with the runoff.

Mayor Haines confirmed that staff would have to review any work done to the ditch.

Mr. Rickard stated that there were policies put in place by an ad hoc committee when the stormwater utility was adopted. He stated that the city will pay 25% of the project for any improvements on private property.

City Manager Llewellyn stated that is what they have communicated.

Commissioner Wilkinson asked how much of an area they were referring to.

Mr. Rickard stated that it was from approximately 4th Avenue to the south.

Commissioner Chase Locke stated that staff have tried to correct the problem. He stated that he has made it clear to the family that the Commission cannot do anything without a consensus. He stated that there would need to be a lot more buy-in from the neighborhood before a project moved forward.

Mr. Rickard stated that typically on a ditch like that all the city can do is trim brush and they cannot change the side slopes too much.

City Manager Llewellyn stated that the city is not allowed by law to put equipment in the ditch and we have no right to actually do the work. He stated that this would be considered private benefit of public resources.

Mayor Haines asked if the work at Braums was done on a public easement.

Mr. Rickard stated that the easement only goes to Braums north property line. He stated that we are allowed to do a little more modification because it is off of a highway and we can do soil stabilization work.

Mayor Haines confirmed that in order for this project to move forward, the residents in the area would have to ask for and relinquish that area to the city as an easement. He stated that they would also have to understand the cost.

City Manager Llewellyn stated that was step one, and in his opinion step two would be asking the State and the Federal government what they would allow.

Mr. Rickard stated that they told us in 2005 that we could not use a pipe, but rules have changed and we haven't asked them since.

Mayor Haines stated that first we have to receive a request from the majority of the residents in the area.

Commissioner Lewis stated he told them to contact the City Manager.

Mayor Haines stated that the neighborhood would have to begin the steps to get the project completed.

Commissioner Lewis asked if she has a petition.

Mr. Rickard stated that he did not believe she did.

CITY MANAGER'S REPORT

City Manager Herb Llewellyn that the City's July 4th Celebration begins at 10 a.m. in East Park and ending at McDonald Stadium with the fireworks show.

City Manager Llewellyn stated that at the last meeting there was discussion about a house on Reveille Lane. He stated that staff have compiled the information on all of the work done on the property over the last six years.

Commissioner Kendra Wilkinson asked for a brief summary.

City Manager Llewellyn stated that staff have required the owner to put in a working heater and air conditioner, improve the wiring, install a new sewer main, and clean up the property several times.

Commissioner Wilkinson asked if the landlord had received any penalties.

City Manager Llewellyn stated that this particular landlord likes to sell property on contract and so legal action takes more time because he doesn't have an actual contract.

Commissioner Lewis asked what the rules were for campaign signs.

City Manager Llewellyn stated that they cannot be in the easement. He stated that the city sends each candidate a letter telling them where they can put their signs. He stated that we try and contact individuals who have signs in the wrong place and ask them to move them. We do pick up signs who are not in the right place.

Commissioner Badwey asked if there was a good rule of thumb for where to put them when you do not have a sidewalk.

Mr. Rickard stated that they must be 14 ½ to 15 feet from the curb.

City Manager Llewellyn stated that a good rule of thumb is if you have an electric utility in the right of way, the sign should be on the home side of that utility.

Mayor Haines stated that the Youth Commission had done a lot of work to inform citizens of the correct hours for shooting fireworks. He encouraged citizens to be respectful of those hours so that we could continue the tradition of allowing fireworks in the city. He stated that anyone who wanted to have a block party should contact the city for a permit.

EXECUTIVE SESSION

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 8:10 p.m.

Commissioner Chase Locke seconded the motion.

Motion carried 5 – 0.

Mayor Vince Haines reconvened the meeting at 8:11 p.m.

Commissioner Chase Locke 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 8:30 p.m.

Commissioner Gregg Lewis seconded the motion.

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

Mayor Vince Haines reconvened the meeting at 8:33 p.m.

ADJOURNMENT

Commissioner Nick Badwey moved to adjourn the meeting at 8:34 p.m.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 - 0.

City Clerk Tabitha D. Sharp

Mayor Vince Haines