

EL DORADO CITY COMMISSION MEETING

December 5, 2016

The El Dorado City Commission met in a regular session on December 5, 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, Acting City Manager Scott Rickard, City Attorney Ashlyn Lyndskog, Finance Director Tammy Schaffer, and City Clerk Tabitha Sharp.

VISITORS

Julie Clements	Butler County Times Gazette	El Dorado, KS
Emily Connell	El Dorado Main Street	El Dorado, KS
James Cook	719 Fredrick Dr	El Dorado, KS
Isaac Haahr	1615 Troon N	El Dorado, KS
Brian Gartland	220 E 1 st	El Dorado, KS
Curt Zieman	220 E 1 st	El Dorado, KS

CALL TO ORDER

Mayor Vince Haines called the December 5, 2016 meeting to order.

INVOCATION

Commissioner Chase Locke opened the meeting with prayer.

PLEDGE OF ALLEGIANCE

Denise Carter's 3rd grade class from Lincoln Elementary led the Pledge of Allegiance.

PERSONAL APPEARANCE

Emily Connell, Director of El Dorado Main Street, presented their annual report.

PUBLIC COMMENT

Mayor Vince Haines opened the floor for public comment.

There were no comments.

CONSENT AGENDA

Approval of the City Commission minutes from November 21, 2016 and Special City Commission minutes from November 16, 2016.

Approval of Appropriation Ordinance No. 11-16 in the amount of \$1,726,294.59.

Approval of the 2017 Cereal Malt Beverage Licenses as follows:

Sunny Stop West
2575 W. Central

Sunny Stop East
301 E. Central

Jax's
124 W. Locust

Pizza Hut
2423 W. Central

Pizza Hut
729 N. Main

Dillons #29
700 N. Main

Jumpstart Central
1631 W. Central

Casey's General Store #3331
2627 W. Central

Casey's General Store #1810
1310 N. Main St

Jumpstart North
701 N. Main St

Wal-Mart #186
301 S. Village Rd

Two Brothers BBQ
1701 W. Central

QuikTrip #310
2314 W. Central

Golden Asian Buffet, Inc.
2350 W. Central

Walgreen #10721
119 W. 6th Street

City of El Dorado dba Prairie Trails
1100 N. Country Club

La Casita Mexican Food and Bakery
124 S. Main St. Suite 102

Commissioner Chase Locke moved to approve the consent agenda as presented.

Commissioner Gregg Lewis seconded the motion.

Motion carried 5 – 0.

2016 BUDGET AMENDMENT

Finance Director Tammy Schaffer stated that staff are requesting that the Commission republish the budgeted expenditures for the sewer fund in that amount of \$6,728,802. She stated that in 2016, the city refinanced a KDHE loan with a bond and so the amount of the loan that was paid off must be included in the 2016 published expenditures.

Acting City Manager Scott Rickard stated that the original loan included the water reclamation facility, projects around town and a lift station. He stated that there were significant savings in refinancing the loan to a bond.

Mayor Vince Haines asked for clarification on the budgeted payment.

City Clerk Tabitha Sharp stated that the budgeted annual payment for this loan in 2016 was \$727,358.26.

Acting City Manager Rickard stated that the revenues are there to cover the expenses, but this is an accounting function to allow for the expenditure of those revenues.

Mayor Vince Haines opened a public hearing.

There were no comments.

Commissioner Gregg Lewis moved to approve the amendments to the 2016 Operating Budget in the sewer fund as presented.

Commissioner Chase Locke seconded the motion.

Motion carried 5-0.

LEASE AGREEMENT

City Clerk Tabitha Sharp stated that the water department annually leases a compact excavator at a cost of \$6,350 per year. She stated that the city chooses the option to lease rather than pay the \$51,000 to purchase it outright because it defers a large payment and saves maintenance costs because the maintenance is included in the lease cost.

Ms. Sharp stated that at the end of the year the city may choose to pay off the piece of equipment at a lower cost or sign a lease for a new one.

Mayor Vince Haines asked if they typically choose to lease a new piece of equipment.

Acting City Manager Scott Rickard stated that Public Utilities has been doing this for a number of years. They found it beneficial because it is a known number that they can budget.

Mayor Haines confirmed that maintenance is part of the lease.

Acting City Manager Rickard stated that it was.

Ms. Sharp stated that staff are requesting the Commission give Acting City Manager Rickard the authority to sign the contract.

Commissioner Nick Badwey moved to direct the Acting City Manager to sign a one year lease for a compact excavator.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

AMENDMENT TO THE MUNICIPAL CODE TO REFLECT CHANGES IN ELECTION LAW

City Clerk Tabitha Sharp stated that the State of Kansas changed the election law in 2014. She stated that the new law will extend the terms of each Commissioner from April until the 2nd Monday of January following the election. She stated that candidates will be required to file for office by June 1st, primaries will be held in August if necessary and the general election will be held in November.

Mayor Vince Haines clarified the filing deadline.

Ms. Sharp stated that it would be June 1st. She stated that candidates will no longer be able to file at City Hall, they must file in the County Clerk's office. She stated that they also raised the filing fee from \$10 to \$20.

City Attorney Ashlyn Lindskog stated that there is also a new rule regarding the number of signatures on a petition.

Ms. Sharp stated that the City Commission must choose how many electors someone is required to have in order to file a petition for another person to be on the ballot. She stated that this is also the number of electors requires to sign a petition if an individual does not want to pay the filing fee.

Ms. Sharp stated that after calling other cities of our size, she found that they had used anywhere from ten people to two to four percent of the qualified electors. She clarified that the term qualified electors refers to those individuals who are registered to vote in El Dorado.

Mayor Haines clarified that if they have the petition signed, they would not have to pay the fee.

City Attorney Lindskog stated that the language is not clear, but it states that it is any fee required by law and the law states that there is no fee if they have a petition or a \$20 fee if there is not a petition.

The City Commission agreed that two percent of the qualified electors was reasonable.

Mayor Haines asked how they determine what the two percent is.

Ms. Sharp stated that it will be two percent of the registered voters.

Commissioner Nick Badwey moved to approve Charter Ordinance No. 22, an ordinance exempting the City of El Dorado, Kansas from the provisions of K.S.A. 14-1204 relating to the election of officers, their terms of office, transitions to November elections, the filling of

Governing Body Vacancies, and Nomination Petitions; and providing substitute and additional provisions on the same subject; and repealing Charter Ordinance No. 6.

Commissioner Kendra Wilkinson 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

Commissioner Chase Locke moved to approve Ordinance No. G 1230, an ordinance amending the City of El Dorado's Municipal Code, Section 2.04.040 relating to the terms of office of elected officers.

Commissioner Gregg Lewis seconded the motion.

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

Commissioner Kendra Wilkinson moved to approve Ordinance No. G 1231, an ordinance amending the City of El Dorado's Municipal Code, Section 2.04.090 pertaining to meeting dates.

Commissioner Chase Locke seconded the motion.

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

Mayor Haines confirmed that the meetings will be one week apart in January.

Ms. Sharp stated that she anticipates that the first meeting in January of even years will be like the old April meetings after elections. The Commissioners leaving office will come in and talk, the new Commissioners will be sworn in and the meeting will end.

Mayor Haines stated that this would give newly elected Commissioners time to understand the meetings.

Ms. Sharp stated that she planned to have a class for any newly elected officials in November or December of election years.

Acting City Manager Scott Rickard stated that this will help new Commissioners become involved earlier in the budget process as it is just getting started in early January.

SALES TAX COMMITTEE APPOINTMENT

City Clerk Tabitha Sharp stated that the Commission has provided appointees for the Sales Tax Advisory Committee. She stated that this committee makes recommendations to the City Commission for the allocation of excess sales tax monies. She stated that the first meeting will be February 13th at noon and will be for the purposes of explaining how the committee works. She stated that the second meeting will be February 27th at 5:30 p.m.

Ms. Sharp stated that anyone who wishes to submit sales tax requests may send them to her attention at City Hall. She stated that if they send them in prior to February 13th, she will include them in the first sales tax committee packet.

Mayor Haines clarified that people could bring requests any time before February 27th.

Ms. Sharp stated that past committees have preferred to see all requests at the first meeting so that they can review them and use the second meeting to ask questions.

Commissioner Chase Locke moved to appoint Josh Hall and Steve Funk (Mayor Haines), Andy Waller (Commissioner Locke), Dan Davis (Commissioner Lewis), Hannah Zogleman (Commissioner Badwey), Wade Wilkinson (Commissioner Wilkinson) and Gerald Watson (Planning Commission) to the Sales Tax Advisory Board for a one-year term set to expire December 31st, 2017.

Commissioner Gregg Lewis seconded the motion.

Motion carried 5 – 0.

SALES TAX TASK FORCE

City Clerk Tabitha Sharp stated that the City Commission has provided individuals for a sales tax task force for the purpose of discussing a half cent sales tax to fund the Parks and Recreation Master Plan. She stated that there is a tentative meeting scheduled for January 23rd.

Commissioner Chase Locke moved to appoint the following to a committee that will discuss the sales tax referendum, and provide recommendations to the City Commission regarding the proposed sales tax referendum.

Parks and Recreation Advisory Board: Loren Anthony, Susie Carson, Kenny Eaton, Miles Harvey, Tony Heilman, Brandi Lane, Russ McCaig, Brett Remsberg, and Bill Young;

At-Large: Patrick Light, Matt Guthrie, Forrest Rhodes, Steve Seymour, Brad Riffel, John Grundy, Korey Garland, Andy Waller, Dan Bullock, Wendy Wilkinson and Reg Wiebe.

Commissioner Gregg Lewis seconded the motion.

Motion carried 5 – 0.

2016 WRITE OFFS

City Clerk Tabitha Sharp stated that each year, the City is required to write off items deemed uncollectible and remove them from the accounts receivable records. She stated that the court fines are \$61,224.48 and miscellaneous billing accounts in the amount of \$14,843.10. She stated that of the court amount, \$9,996.08 is for state fees and therefore is not an actual loss of revenue to the city.

Mayor Vince Haines clarified that the city could write off the state fines.

Ms. Sharp stated that the state fines are not due to the state unless we collect them. She stated that we will still try to collect these fees through the State Setoff program, a collection company and through our own staff.

Mayor Haines asked if the amounts were comparable to last year.

Ms. Sharp stated that court fines are down \$2,000 this year. She stated that the miscellaneous billing is up \$2,000, after some investigation, most items in this area did not increase, but a street cut was done for just under \$2,000 and the gentleman that requested it passed away shortly after so we have been unable to collect.

Mayor Haines asked if there was a percentage we typically are able to collect.

Ms. Sharp stated that she was unable to get that before the meeting tonight. She stated that the collection company has sent some large checks. She stated that she could provide that after some investigation.

Acting City Manager Scott Rickard stated that we are also able to place some of the debt on the County's tax rolls.

Ms. Sharp stated that according to the presentation done by the billing staff earlier this year, we have been able to reduce our bad debt significantly over the last year.

Mayor Haines asked if the collection company charges for their services.

Ms. Sharp stated that the collection company used by the court does not charge the city, all collection costs are borne by the debtor. She stated that when we use the State's Setoff program, they do charge between twenty and thirty percent depending upon how much work has to be done to collect the debt. She stated that collections through the County enable us to redeem all of the debt as well as collections that we do in-house.

Acting City Manager Rickard stated that we are communicating well amongst departments to keep people who have past due accounts from using other functions of the city and leaving debt behind in those departments.

Ms. Sharp stated that this is a Generally Accepted Account Principals function, and we do not forget the debt, we write it off strictly for accounting purposes.

Commissioner Nick Badwey moved to deem uncollectible the deferred fines accounts in the amount of \$61,224.48 for 2016, and miscellaneous billing accounts in the amount of \$14,843.10 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 filed in the City Clerk's office.

Commissioner Chase Locke seconded the motion.

Motion carried 5 – 0.

JANUARY MEETING CANCELLATION

City Clerk Tabitha Sharp stated that historically the City Commission cancels the first meeting in January because of the holidays. She stated that typically around that time, business is slow and we do not have anything that needs immediate attention. She stated that staff are requesting that the Monday, January 2nd meeting be cancelled and that staff be allowed to release checks after the appropriation ordinance is sent to the Commission.

Mayor Vince Haines stated that they will have a meeting on December 19th and then not again until the second meeting in January.

Ms. Sharp stated that they actually have a few meetings during that time. She stated that December 14th at 4 p.m. they will have a work session to discuss water, the Commission will meet for a regular session on December 19th and January 11th there is a work session at 4 p.m. to discuss the budget vision. The first regular meeting in January will be January 17th on a Tuesday because of the holiday.

Mayor Haines stated that there will be opportunity for special meetings in January because of the executive search.

Ms. Sharp stated that staff anticipate given the schedule of the executive search group, they will definitely have more work sessions coming up.

Commissioner Kendra Wilkinson moved that the first City Commission meeting in January, Monday, January 2, 2017 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 Chase Locke seconded the motion.

Motion carried 5 – 0.

NEW BUSINESS

Commissioner Kendra Wilkinson stated that she was unable to attend the Airport Advisory Committee meeting this month. She stated that CVB met on Thursday, and they received updates on the Cross Country meet. She stated that they said it was the largest NJCAA meet ever held. She stated that upcoming events include Shrine Bowl on July 29th, Lantern Fest on September 23rd, Dam Music Fest on July 28-29 and Drums Across Kansas on July 17th.

Commissioner Nick Badwey reminded citizens to keep an eye on the elderly and pets in the upcoming cold weather.

Commissioner Gregg Lewis asked if the water leaks were caused by earth quakes.

Acting City Manager Rickard stated that it was hard to determine, the leaks are on older pipes and any movement or change in temperature can cause a leak.

Commissioner Lewis stated that even though they had the electronic sign was up, trucks were not paying attention to it.

Acting City Manager Rickard stated that Kansas Gas was doing a project and worked hard to get it done within a day. He stated that staff and Kansas Gas worked hard to let people know about the change with those signs.

Mayor Vince Haines stated it seemed like they were fighting a losing battle if the trucks couldn't see those signs.

Commissioner Chase Locke stated that the Youth Commission would like to have the Department Heads come and present each meeting next year so they can learn about what those departments do.

Commissioner Locke thanked staff for decorating for the Christmas season.

Commissioner Locke stated that Wednesday will be the annual stuff the truck event with USD 490 and the Salvation Army.

Commissioner Locke stated that at the staff Christmas Party on Saturday they were able to see what staff had accomplished over the last year, he thanked staff for their hard work this year and being flexible during the transition.

Mayor Haines stated that he enjoyed the employee recognition at the Christmas Party. He stated that seeing what staff had to say about each other was nice and he appreciated them all.

CITY MANAGER'S REPORT

Acting City Manager Scott Rickard stated that next year they will do a full closure for the Christmas parade because it has out grown the twenty minute requirement for a rolling parade.

Acting City Manager Rickard stated that the Christmas Party was a great chance to reflect on the past year and the accomplishments of staff.

Acting City Manager Rickard stated that they are still looking for seven basketball coaches in Parks and Recreation.

Acting City Manager Rickard stated that they are meeting with the Dam Music Fest group on Wednesday to determine their needs.

Acting City Manager Rickard stated that staff are working with the arena group on the RFQ for the feasibility study.

Mayor Vince Haines asked who was involved in that group.

Acting City Manager Rickard stated that there are 4-H groups, Junior Livestock Foundation, BCC Agriculture group, and Main Street. He stated that the funds for the study were approved through the excess sales tax committee.

Mayor Haines stated confirmed that they did not need the executive session.

Acting City Manager Rickard stated that they did not.

ADJOURNMENT

Commissioner Chase Locke moved to adjourn the meeting at 7:47 p.m.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 4 – 0 (Commissioner Lewis stepped out).

City Clerk Tabitha D. Sharp

Mayor Vince Haines